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No. 34]

NEW DELHI, SATURDAY, AUGUST 22, 1987/SHAVANA 31, 1909

इस भाग में भिन्न पृष्ठ सख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय

(राजभाषा विभाग)

नई दिल्ली 18 जुलाई, 1987

का. प्रा. 2173—केंद्रीय सरकार राजभाषा (सभा के शासकीय
प्रयोजनों के लिए प्रयोग) नियम 10 के उपनियम (4) के अनुसरण
में महिला एवं बाल विभाग विभाग का, जिनके कर्मचारीवृत्त में हिन्दी
का कार्यमाधन ज्ञान प्राप्त कर लिया है अधिसूचित करती है।

[संख्या 12022/2/87-ग. भा (ख-2)]

डा. राजेन्द्र सिंह कुशवाहा, उपा निदेशक (कार्यान्वयन)

MINISTRY OF HOME AFFAIRS

(Department of Official Language)

New Delhi, the 15th July, 1987

SO 2173—In pursuance of sub-rule (4) of Rule 10 of
the Official Languages (use for Official Purposes of the
Union) Rules 1976, the Central Government hereby notifies
the Department of Women and Child Welfare, the Staff of
where of have acquired a working knowledge of Hindi

[No 12022/2/87-OI (B II)]

DR. RAJENDRA SINGH KUSHWAHA Dy Director
(Implementation)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली 31 मार्च 1987

जायकर

का. प्रा. 2171—जायकर अधिनियम 1961 (1961 का 42)
की धारा 90-घ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा उक्त धारा के प्रयोजनार्थ,
'सेन्ट पैट्रिक कैथेड्रल, पुणे' को सम्पूर्ण महाराष्ट्र राज्य में प्रसिद्ध मार्क-
जतिन पूजास्थल के रूप में अधिसूचित करती है।

[सं. 7212(का.सं. 176/7/87-आ.क. (नि. I)]

रोशन महाय अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi the 31st March, 1987

(INCOME TAX)

SO 2174—In exercise of the powers conferred by clause
(b) of sub-section (2) of Section 80-G of the Income-tax
Act 1961 (43 of 1961), the Central Government

notifies the "St. Patrick's Cathedral" Pune to be a place of public worship of renown throughout the State of Maharashtra for the purpose of the said Section.

[No. 7212 (F. No. 176/786-IT(A1))]

ROSHAN SAHAY, Under Secy

नई दिल्ली, 27 मई, 1987

(आयकर)

का. आ. 2175.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में कर वसूली अधिकारी श्री भूपाल सिंह की नियुक्ति के सम्बन्ध में जारी की गई वित्त मंत्रालय (राजस्व विभाग) की दिनांक 7 अगस्त, 1984 की अधिसूचना सं. 5931 (फा. सं. 398/23/84—आ. क. (ब.)) एतद्द्वारा रद्द की जाती है।

2. यह अधिसूचना श्री भूपाल सिंह द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 7318/फा. सं. 398/16/86-आ. क. (ब.)]

New Delhi, the 27th May, 1987

INCOME-TAX

S.O. 2175.—The notification issued in the Ministry of Finance (Department of Revenue) No. 5931 (F. No. 398/23/84-IT(B)) dated the 7th August, 1984, in pursuance of sub-clause (iii) of Clause (44) of Section 2 of the Income-Tax Act, 1961 (43 of 1961) appointing Shri Bhoopal Singh as Tax Recovery Officer is hereby cancelled.

2. This Notification shall come into force with effect from the date Shri Bhoopal Singh hands over charge of Tax Officer.

[No. 7318/F. No. 398/16/86-IT(B)]

S.O. 2176.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises the persons mentioned below column 2, being the Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officer(s) under the said Act in place of the Tax Recovery Officers mentioned below in column 3 in supersession of the Notification(s) mentioned below in column 4.

S.No.	Name of the persons to be authorised to exercise powers of Tax Recovery Officer(s)	Name of Tax Recovery Officer(s) in place of whom the persons mentioned in column 2 are to be authorised.	Old Notification No. and date to be superseded
(1)	(2)	(3)	(4)
1.	S/Shri K.K. Singh	/Shri S.P. Shukla	5267 Dt.4.6.83 [F.No.398/23/83-IT(B)]
2.	„ C. Lal	Ram Swaroop	6075 Dt.20.12.84 [F.No.398/38/84-IT(B)]

2. This Notification shall come into force with immediate effect and in so far as persons mentioned in column 2 the date(s) they take over charge(s) as Tax Recovery Officers.

[No. 7316/F.No.398/16/86-IT(B)]

नई दिल्ली, 4 जून, 1987

का० आ० 2177.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय

नई दिल्ली, 27 मई, 1987

का० आ० 2176.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड 44 के उपखण्ड (iii) के अनुसरण में केन्द्रीय सरकार, एतद्द्वारा नीचे स्तम्भ (4) में उल्लिखित अधिसूचना (अधिसूचनाओं) का अधिलेखन करने हुए नीचे स्तम्भ 3 में उल्लिखित कर वसूली अधिकारियों के स्थान पर नीचे स्तम्भ 2 में उल्लिखित व्यक्तियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अनुसरण कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है --

कम उन व्यक्तियों उन कर वसूली अधि- पुरानी अधिसूचनाओं को सं० के नाम जिन्हें जारी (अधिकारियों) सक्षम और तारांकित किया कर वसूली के नाम उनके स्थान अधिलेखन किया जाता अधिकारी (अधि- पर स्तम्भ 2 में है कारियों) की उल्लिखित व्यक्तियों शक्तियों का प्रयोग को प्राधिकृत किया करने हेतु प्राधिकृत जाता है करती हैं

1	2	3	4
1.	सर्वश्री के०के० सिंह	सर्वश्री एम०पी० शुकला	5267 दिनांक 4-6-83 [(फा. सं. 398/23/82-आ. क.)]
2.	सर्वश्री सी० लाल	सर्वश्री राम स्वरोप	6075 दिनांक 20-12-84 (फा०सं० 398/38/84-आ० क० (ब))

2. यह अधिसूचना तत्काल लागू होगी तथा जहाँ तक स्तम्भ 2 में उल्लिखित व्यक्तियों का संबंध है कर वसूली अधिकारियों के रूप में उनके कार्यभार सम्भालने की तारीख से लागू होगी।

[सं० 7316/फा०सं० 398/16/86-आ०क० (ब०)]

सरकार, एतद्द्वारा नीचे स्तम्भ 3 में उल्लिखित कर वसूली अधिकारियों के स्थान पर नीचे स्तम्भ 2 में उल्लिखित व्यक्तियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, नीचे स्तम्भ 4 में उल्लिखित अधि-

सूचनाओं का अधिलेखन करते हुए, नए अधिनियम के अन्तर्गत कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राविष्ट करता है :

जिस उक्त व्यक्तियों के उन कर वसूली अधि- पुरानी अधिसूचनाओं की स. नाम जिन्हें कर कारी (अधिकारियों) सस्य और तारीख जिनका वसूली अधिकारी के नाम जिनके स्थान अधिलेखन किया जाना (अधिकारियों) पर स्तम्भ 2 में उल्लि- है की शक्तियाँ का खित व्यक्तियों को प्रयोग करने हेतु प्राधिकृत किया जाना प्राधिकृत किया है जाता है

2 श्री ए. डेवसू. श्री पी. पी. पाटनार 6194 दिनांक 15-4-85
देसाण्डे [(फा.सं. 398/9/85-
आ.कं. (ब.))]

3 श्री आर. पी. श्री एम. बी. उपगडे 6781 दिनांक 30-6-86
चादेकर [फा. सं. 398/15/
86-आ.कं. (ब.))]

यह अधिसूचना तत्काल लागू होगी और जहाँ तक स्तम्भ 2 में उल्लि-
खित व्यक्तियों का सम्बन्ध है, कर वसूली अधिकारियों के रूप में उनके
कार्यभार सम्भालने की तारीख (तारीखों) से लागू होगी।

[सं. 7329/फा.सं. 398/19/87-आ.कं. (ब.)]

बी. ई. अलेक्जेंडर, प्रवर सचिव

New Delhi, the 4th June, 1987

SO 2177—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises the persons mentioned below column 2, being the Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officer(s) under the said Act in place of the Tax Recovery Officers mentioned below in column 3 in supersession of the Notification(s) mentioned below in column 4.

S.No	Name of the persons to be authorised to exercise powers of Tax Recovery Officer(s)	Name of Tax Recovery Officer(s) in place of whom the persons mentioned in column 2 are to be authorised	Old Notification No. and date to be superseded.
(1)	(2)	(3)	(4)
1	Shri Ravi Kumar	Shri S.K. Malviya	6194 dt. 15.4.1985 [F.No. 398/9/85-IT(B)]
2	Shri A.W. Deshpande	Shri P.P. Patankar	-do-
3	Shri R.P. Chaudekar	Shri L.B. Upgade	6781 dt. 30.6.86 [F No. 398/15/86-IT(B)]

2. This Notification shall come into force with immediate effect and in so far as persons mentioned in column 2 from the dates they take over charge(s) as Tax Recovery Officers.

[No. 7329/F.No.398/19/87-IT(B)]

B.E. ALEXANDER, Under Secy.

नई दिल्ली, 26 जून, 1987

आयकर

का. प्रा. 2178--आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "दक्षिणेश्वर राम कृष्ण सन, दक्षिणेश्वर कलकत्ता" को कर-निर्धारण वर्ष 1986-87 से 1987-88 के लिए अधिसूचित करना है।

[सं. 7368/फा.सं. 197/184/84-आ.कं.नि. (1)]

New Delhi, the 26th June, 1987

(INCOME-TAX)

S.O. 2178—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Dakshineswar Ramkrishna Sangha, Dakshineswar, Calcutta" for the purpose of the said clause for the assessment years 1986-87 to 1987-88

[No. 7368/F. No. 197/184/84 ITA 1]

का. प्रा. 2179--आयकर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "कैथोलिक मिशन आफ वेस्टर्न बंगाल" को कर-निर्धारण वर्ष 1987-88 के लिए अधिसूचित करती है।

[सं. 7369/फा.सं. 197/36/86-आ.कं.नि. (1)]

दलीप सिंह, विशेष काय अधिकारी

S.O. 2179—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Catholic Mission of Western Bengal" for the purpose of the said clause for the assessment year 1987-88

[No. 7369/F. No. 197/36/86 ITA 1]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 30 जून 1987

आयकर

का प्रा 2180—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसूचन में केन्द्रीय सरकार द्वारा नीचे स्तम्भ 1 में उल्लिखित अधिसूचनाओं का अधिलेखन करने हुए नीचे स्तम्भ 2 में उल्लिखित व्यक्तियों या केन्द्रीय सरकार के राजपत्रित अधिकारियों होने के कारण स्तम्भ 3 में उल्लिखित कर वसूली अधिकारियों के स्थान पर उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिये प्राधिकृत किया जाता है —

अ उन व्यक्तियों के नाम जिन्हें कर वसूली अधि- उन कर वसूली अधिकारियों के नाम जिनके पुरानी अधिसूचना में और तारीख जिनका
म कार्यों की शक्तियों का प्रयोग करने हेतु स्थान पर स्तम्भ 2 में उल्लिखित व्यक्तियों का अधिलेखन किया जाता है
प्राधिकृत किया जाता है प्राधिकृत किया जाता है

1	2	3	4
1	श्री के जी बेन्टे	श्री पी के कालबाडकर	4687, दिनांक 15-6-82 [फा स 398/20/82-आ क (ब)]
2	श्री धार सी गण	श्री एम एल गौड़	7005 दिनांक 13-11-86 (फा स 398/21086-आ क ब)

2 यह अधिसूचना तत्पश्चात् लागू होगी तथा जहां तक स्तम्भ 2 में उल्लिखित व्यक्तियों का सम्बन्ध है, उनके वसूली अधिकारियों के रूप में कार्यभार सम्भालने की तारीख में लागू होगी।

[स 7385/फा स 398/20/87 आ क (द.)]

बी नागराजन निदेशक

New Delhi, the 30th June, 1987

INCOME-TAX

SO 2180. In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises the persons mentioned below column 2, being the Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officer(s) under the said Act in place of the Tax Recovery Officers mentioned below in column 3 in supersession of the Notification(s) mentioned below in column 4 —

Sl No	Name of the persons to be authorised to exercise powers of Tax Recovery Officer(s)	Name of Tax Recovery Officer(s) in place of whom the persons mentioned in column 2 to be authorised	Old Notification No and date to be superseded
(1)	(2)	(3)	(4)
1	S/Shri K G Bendie	Shri P K Kolwadkar	4687 dt 15-6-1982 [F No 398/20/82-IT(B)]
2	„ R C Gupta	Shri M L Gaur	7005 dt 13-11-1986 [F No 398/24/86-IT(B)]

2 This Notification shall come into force with immediate effect and in so far as persons mentioned in column 2 for date(s) they take over charge(s) as Tax Recovery Officers

[No 7385/F, No 398/20/87-IT(B)]
B NAGARAJAN, Director

नई दिल्ली, 11 अगस्त, 1987

आदेश

स्टाम्प

का० प्रा० 2181—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 4 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार द्वारा उक्त शक्तों का साफ करती है जो भारतीय रेलवे वित्त निगम लिमिटेड नई दिल्ली द्वारा जारी किए जाने वाले मात्र पांच सौ साठ करांड रुपये के मूल्य के 1000-1000 रु० के 'भारत विमान अथवा भारतीय रेलवे' के रूप में उल्लिखित अधिपत्रों के स्वरूप के अधिपत्रों पर उक्त अधिनियम के अन्तर्गत प्रकाशित है।

[स० 31/57-स्टाम्प फा० स० 33/31/87-वि० ब०]

बी.आर. मेहता अध्यक्ष सचिव

New Delhi, the 11th August, 1987

ORDER

STAMPS

SO. 2181—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as 'Secured redeemable non convertible Bonds' of Rs 1000 each of the value of rupee five hundred and sixty crores only to be issued by the Indian Railways Finance Corporation Limited New Delhi are chargeable under the said Act

[No 3187 Stamps-F, No 3331/87/S1]

B R MEHMA, Under Secy

केन्द्रीय प्रत्यक्ष कर बोर्ड

CENTRAL BOARD OF DIRECT TAXES

नई दिल्ली, 10 जून, 1987

New Delhi, the 10th June, 1987

(आयकर)

Income Tax

क्रा० आ० 2182 -- आयकर अधिनियम 1961 (1961 का 43) की धारा 121 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा दिनांक 20-7-1974 की समय-समय पर यथासंशोधित अधिसूचना सं० 679 (फा० सं० 187/2/74-आ० क्र० नि०-1) के साथ मूल अनुसूची में निम्नलिखित संशोधन करती है। क्रम सं० 18-क के सामने स्तम्भ (1) (2) तथा (3) के अन्तर्गत वर्तमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी।

आयकर आयुक्त	प्रधान कार्यालय	क्षेत्राधिकार
1	2	3
18-क हरियाणा	रोहतक	1. अम्बाला 2. विशेष जांच परिमण्डल, अम्बाला 3. भिवानी 4. स० शु० एवं आ० क्र० परिमण्डल, रोहतक 5. फरीदाबाद 6. विशेष जांच परिमण्डल, फरीदाबाद 7. गुडगांव 8. हिसार 9. विशेष जांच परिमण्डल, हिसार 10. जीन्द 11. कुश्नोहर 12. करनाल 13. पानीपत 14. विशेष जांच परिमण्डल, पानीपत 15. रिवाड़ी 16. रोहतक (कम्पनी एवं ट्रस्ट, वार्ड सहित) 17. विशेष जांच परिमण्डल, रोहतक 18. मिरमा 19. सोनीपत 20. यमुनानगर 21. वेसन एवं कम्पनी परिमण्डल, जूझर्वाड़ा 22. नि० स० आ० (क्र० नि०), अम्बाला 23. नि० स० आ० (क्र० नि०), रोहतक

यस अधिसूचना दिनांक 1-6-1987 से लागू होगी।

[स० 7338 (फा० सं० 187/1/87-आ० क्र० नि०-1)]

रोशन साहय, अधीक्षक
 केन्द्रीय प्रत्यक्ष कर बोर्ड

S.O. 2182:- In exercise of the powers conferred by sub-section (1) of section 121 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. 679 (F.No. 187/2/74-IT(AI) dated 20th July, 1974, as amended from time to time :

Existing entries under columns (1), (2) and (3) against Sl.No. 18A shall be substituted by the following entries:

Commissioner of Income Tax	Headquarters	Jurisdiction
18A Haryana	Rohtak	1. Ambala 2. Special Inv. Circle, Ambala. 3. Bhiwani. 4. ED-Cum-IT Circle, Rohtak 5. Faridabad. 6. Special Inv. Circle, Faridabad. 7. Gurgaon. 8. Hissar. 9. Special Inv. Circle, Hissar 10. Jind. 11. Kurukshetra. 12. Karnal. 13. Panipat. 14. Special Inv. Circle, Panipat. 15. Rewari. 16. Rohtak (including Companies Cum-Trusts, Ward) 17. Special Inv. Circle, Rohtak. 18. Sirsa. 19. Sonapat. 20. Yamunanagar. 21. Salary-cum-Company Circle, Chandigarh. 22. I.A.C. (Asst.), Ambala. 23. I.A.C. (Asst.), Rohtak.

This Notification shall take effect from 1-6-1987.

[No. 7338 (F.No. 187/7/87-IT (AI))]

ROSHANSAHAY, Under Secy.

Central Board of Direct Taxes

वार्तापत्र संज्ञापन

(मुख्य निबंधक, आयात निर्यात का कार्यालय)

नई दिल्ली, 11 प्रगल्भ, 1987

आदेश

क्रा० आ० 2183 -- मैं अब प्रोपर्टीज एन्ड इन्डस्ट्रीज (आ वि.) 110 अंशक प्रश्न 18, कस्त्रबा गार्डी मार्ग, नई दिल्ली 110001 को सर्वोच्च बैंक 280 एम सी एन आर के आयात के लिए 186,700 रु. मात्रा के लिए एक सीमाशुल्क निकासी परमिट में पी./ते./3075662 दिनांक 23-10-87 जारी किया गया था। लाइसेंस धारक से ऊपर उल्लिखित सीमाशुल्क निकासी परमिट की अनुमति प्रति

जारी किए जाने के लिए इस आधार पर प्रामाणिक किया है कि मूल सीमा शुल्क निकासी परमिट अस्थायित्व खो गया है। चाहे यह भी बताया गया है कि मूल सीमा शुल्क निकासी परमिट का किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं करवाया गया था तथा इस प्रकार सीमा शुल्क निकासी परमिट के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने तर्कों के समर्थन में लाइसेंसधारक ने उपयुक्त व्यापिक प्राधिकारी के सम्मुख विधिवत शपथ लेकर एक शपथपत्र दाखिल किया है। तदनुसार मैं स्पष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट सं. पी. जे. 3075662 दिनांक 28-10-86 आदेश से खो गया है। समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (ग) द्वारा प्रदत्त अधिकारी का प्रयोग करते हुए मै. अंसल प्रापर्टीज एन्ड इन्डस्ट्रीज (प्रा. लि.) नई दिल्ली को जारी मूल सीमा शुल्क निकासी परमिट सं. पी. जे. 3075662 दिनांक 28-10-86 को एनई द्वारा रद्द किया जाता है।

3. पार्टी की सीमा शुल्क निकासी परमिट की अनुमति प्रति का प्रत्येक से जारी किया जा रहा है।

[फा. सं. के—4/86-87/ बी एल एस/930]

एन एस कृष्णामूर्ति, उप मुख्य नियंत्रक, आयात-निर्यात

रुले मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 11th August, 1987

ORDER

S.O. 2183.—M/s. Ansal Properties & Industries (P) Ltd., 115, Ansal Bhawan, 16, Kasturba Gandhi Marg, New Delhi-110001 were granted a Customs Clearance Permit No. P/J/3075662 dt. 23-10-86 for Rs. 1,86,700 only for import of Mercedes Benz 280S Sedan Car. The Licensee has applied for issue of Duplicate copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any Customs authority and as such the value of the CCP has not been utilised at all.

2 In support of his contention, the licensee has filed an affidavit duly sworn before appropriate judicial authority. I am accordingly satisfied that the original CCP No. P/J/3075662 dt. 23-10-86 has been lost by the applicant. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended from time to time, the said original CCP No. P/J/3075662 dt. 23-6-86 issued to M/s. Ansal Properties & Industries (P) Ltd., New Delhi is hereby cancelled.

3. A duplicate copy of the Customs Clearance Permit is being issued to the party separately.

[F No. K-4 86-87/BLS/930]

N. S. KRISHNAMURTHY, Dy. Chief Controller
of Imports and Exports
for Chief Controller of Imports and Exports

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 10 जुलाई, 1987

फा. सं. 2184 —कयर बोर्ड (कएरबार का संयोजक, कर्मचारियों की सेवा शर्तों और वेतनाओं का रखा जाना (उप विधि, 1955 की उप विधि 15 के साथ पठित कयर उद्योग अधिनियम, 1983 (1983 का 45) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कयर बोर्ड (सेवा) उपविधि, 1983 का और संशोधन करने के लिए कयर बोर्ड द्वारा बनाई गई निम्नलिखित उप विधियाँ जिनकी केंद्रीय सरकार द्वारा पुष्टि की गई है। उक्त अधिनियम की धारा 27 की उपधारा (2) के अन्वये प्रकाशित की जाती है, अर्थात् :—

1 (1) इन विधियों का संक्षिप्त नाम कर बोर्ड (सेवा) संशोधन उपविधि 1987 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगी।

2 कयर बोर्ड (सेवा) उपविधि, 1983 की अनुसूची में, निदेशक (अनुसंधान, विकास प्रशिक्षण और विस्तारण) के पद और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

पद का नाम	पदों की संख्या	पद का वर्गीकरण	वेतनमान	क्या जगह पर प्रयोज्य होगा	सीधी भर्ती के लिए आयु सीमा	सीधी भर्ती किए जाने वाले व्यक्तियों के लिए श्रेष्ठ शैक्षिक और अन्य अर्हताएँ
1	2	3	4	5	6	7
संयुक्त नियंत्रक (योजना)	एक	ग्रेड "क"	3000-100-3500-125-4500 रु	अग्रत	45 वर्ष	किसी मान्यता प्राप्त विश्व-विद्यालय से वाणिज्य/अर्थ-शास्त्र/वैज्ञानिकी में प्रथम श्रेणी या द्वितीय श्रेणी में मास्टर की उपाधि या सम-तुल्य और साथ ही उद्योग, विशेषकर यामौन और लघु उद्योगों से संबंधित योजनाओं को बनाने और उनके कार्यान्वयन का 7 वर्ष का अनुभव।

प्रोत्ति के लिए न्यूनतम सहिता	प्रोत्ति की पद्धति सीधी भती द्वारा प्रथमा प्रतिनियुक्ति/स्थानान्तरण द्वारा तथा विभिन्न पद्धतियों द्वारा भरे गए रिक्त स्थानों की प्रतिशतता	प्रोत्ति/प्रतिनियुक्ति/स्थानान्तरण द्वारा भती करने के मायले में उस श्रेष्ठ का नाम जिनमें प्रोत्ति/प्रतिनियुक्ति/स्थानान्तरण किया जाना है।	क्या विभागीय प्रोत्ति समिति विद्यमान है।	विषयविषय
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8	9	10	11	12
क्षेत्रीय अधिकारी/विकास अधिकारी/उप निदेशक/प्रशासनिक अधिकारी और 2200—4000 रु. के वेतनमान में समरूप पदों पर 5 वर्ष का अनुभव या अनुभाग अधिकारी/उप विकास अधिकारी और 2000—3500 रु. के वेतनमान में समरूप पदों पर 7 वर्ष का अनुभव/उसे किसी मान्यताप्राप्त विश्वविद्यालय में प्रशिक्षण, वाणिज्य या सांख्यिकी में स्नातक होना चाहिए।	प्रोत्ति द्वारा जिनके न हो सकने पर सीधी भती द्वारा	सरकारी (राज्य प्रथमा केन्द्रीय) विभागों, लोक उपक्रमों, मान्यता प्राप्त शैक्षिक/अनुसंधान संस्थाओं में कार्य कर रहे उप निदेशक/अनुसंधान अधिकारी और समतुल्य काष्ठर के गैर तकनीकी अधिकारी।	हाँ, कयूर बोर्ड की श्रेणी "क" विभागीय प्रोत्ति समिति	

[फा. सं. 2(13)/85—प्राई सी सी]

जी. वैकटरमनव, सचिव

MINISTRY OF INDUSTRY
(Department of Industrial Development)

New Delhi, the 10th July, 1987

S.O. 2184.—The following bye-laws made by the Coir Board in exercise of the powers conferred by section 27 of the Coir Industry Act, 1953 (45 of 1953), read with bye-law 15 of the Coir Board (Transaction of Business, Conditions of Service of Employees and Maintenance of Accounts) Bye-laws, 1955 further to amend the Coir Board (Services) Bye-laws, 1983, and confirmed by the Central Government.

are hereby published as required by sub-section (2) of section 27 of the said Act, namely:—

1. (1) These bye-laws may be called the Coir Board (Services) Amendment Bye-laws, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Coir Board (Services) Bye-laws, 1983, after the post of Director (Research, Development Training and Extension) and the entries relating thereto, the following shall be inserted, namely:—

SCHEDULE

Name of the Post	No. of Post	Classification of Post	Scale of Pay	Whether selection post or Non-Selection post	Age limit for direct recruitment	Educational & other qualification required for direct recruits	Minimum qualification for Promotion
1	2	3	4	5	6	7	8
Jt. Director (Planning)	One	Group 'A'	Rs. 3000-100-3500-125-4500/-	Selection	45 years.	First class or second class Masters Degree in Commerce/Economics (Statistics of recognised University or equivalent with 7 yrs experience in formulation and implementation of plans relating to industry, preferably Village and Small Industries.	5 years experience as regional officer/Dev. Officer/Dy. Director/Admn. Officer and similar posts in the scale of 2200-4000 or 7 yrs. experience as Section Officer/Dy. Development Officer and similar posts in the scale of Rs. 2000-3500. He/She must be graduate of recognised University in Economics, Commerce, or Statistics.

Method of recruitment whether by direct recruits or by deputation/transfer and percentage of vacancies from to be filled by various method	In case of recruitment by promotion/deputation transfer grade which promotion/deputation transfer is to be made	Whether DPC exist	Remarks
9	10	11	12
Promotion failing which by direct recruit	Deputy Directors/Research Officer and non-technical officers of equivalent Cadre working in government (State or Centre) department Public Undertakings recognised educational/Research institutions	Yes, Grade A' DPC for Coir Board	

F No 2(13) 85-JCC]

C Venkataraman, Jt. Secy.

(कम्पनी कार्य विभाग)

तारीख 4 अगस्त, 1987

का प्रा 2185 --एकाधिकार तथा अबाधक व्यापारिक व्यवहार अधिनियम 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा इस अधिसूचना के अनुसूचक में उल्लिखित उपक्रमों के पंजीकरण की निरन्तरता को अधिसूचित करती है। उक्त उपक्रम ऐसे उपक्रम हैं जिन्हें उक्त अधिनियम के भाग--क के अध्याय--III के उपबन्ध अब लागू नहीं होते हैं।

[स 16/12/86--एम.-3]

(Department of Company Affairs)

New Delhi, the 4th August, 1987

क्रम सं	उपक्रमों के नाम	पंजीकृत पता	पंजीकरण संख्या
1	2	3	4
1	मेसर्स घाटगे पाटिल प्राइवेट मोबाइल्स प्राइवेट लिमिटेड	517--ई, पुणे-बंगलौर रोड, कोल्हापुर--416001	1632/83

SO 2185—In pursuance of Sub section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this notification, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply

[No 16/12/86-MIII]

ANNEXURE TO THE NOTIFICATION NO 16 12/86-M III

Sl No.	Name of the Undertakings	Regd Address	Registration No
1	2	3	4
1	M/s Ghatge Patil Automobiles Pvt. Ltd	517-F, Pune Bangalore Road, Kolhapur-416001	1632/83
2	M/s Ghatge Patil Transport Pvt Ltd	-do-	1630/83
3	M/s Kirloskar-Ghatge Patil Auto Ltd.	R. S No 307 A, P O. Uchangaon, Distt Kolhapur, Pin-416005, Maharashtra	1640/83

नई दिल्ली, 11 अगस्त, 1987

ANNEXURE TO THE NOTIFICATION NO. 16/12/86-M.III

का. प्रा. 2186.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस अधिसूचना के अनुलग्नक में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण को अधिसूचित करती है। उक्त उपक्रम ऐसे उपक्रम हैं, जिन्हें उक्त अधिनियम के भाग क के अध्याय III के उपबन्ध भ्रम लागू नहीं होते हैं।

[सं. 16/12/86 एम.-3]

एल. सी. गोयल, अधीक्षक सचिव

अधिसूचना सं. 16/12/86 एम. 3 का अनुलग्नक

क्रम सं.	उपक्रमों के नाम	पंजीकृत पता	पंजीकरण सं.
1	2	3	4
1. मै. सातु रबर्स प्रा. लि.	सहमी बिल्डिंग, 6. शौजी वल्लभदास मार्ग फोर्ट, बम्बई 400038.	969/74	
2. मै. खटाऊ मैकेनिकी एण्ड क. प्रा. लि.	—यथोपरि—	435/70	
3. मै. डी. एम. खटाऊ एण्ड 3 ब्रादर्स	—यथोपरि—	665/70	
4. मै. खटाऊ इंटर नैशनल लि.	—यथोपरि—		
5. मै. मूलराज खटाऊ एण्ड सन्स लि.	—यथोपरि—	105/70	
6. मै. खटाऊ इण्डस्ट्रीज लि. (पहले की मै. एल्ले वेड मिन्स लि.)	—यथोपरि—	272/70	
7. मै. खटाऊ ब्रादर्स लि.	—यथोपरि—	288/70	
8. मै. बरुण शिपिंग कं. लि.	—यथोपरि—	1053/75	
9. मै. इण्डोकैम लिमिटेड	अद्योग मंदिर, कम्पाउण्ड	1151/75	
10. मै. करोमा साहु कम्पनी लि.	7/सी, भागोजी कीर मार्ग, माहिम, बम्बई-8	1153/75	
11. मै. सिगमा पेंट्स लिमिटेड,	ओल्ड नागरबाग रोड, "मोगरा" अंधेरी, ईस्ट बम्बई-400069	1149/75	
12. मै. सिरपुर पेपर मिल्स लि.	6-9-201/2 एण्ड 2ए, चिराग अली लान हैबराबाद-500001, (ग्राम प्रवेश)	1575/82	

New Delhi, the 11th August, 1987

S.O. 2186.—In pursuance of Sub-Section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this notification, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply.

[No. 16/12/86-M. III]

L. C. GOYAL, Under Secy.

Sl. No.	Name of the Undertaking	Registered Address	Registration Number
1	2	3	4
1.	M/s. Sahu Rubbers Pvt. Ltd.	Laxmi Building 6, Shooji Vallabhdas Marg, Fort, Bombay-400 038.	969/74
2.	M/s. Khatau Makauji & Company Pvt. Ltd.	—do—	435/70
3.	M/s. D.M. Khatau & 3 Brothers.	—do—	665/70
4.	M/s. Khatau International Ltd.	—do—	
5.	M/s. Mulraj Khatau & Sons Ltd.	—do—	105/70
6.	M/s. Khatau Industries Ltd. (Formerly M/s. Peare Thread Mills Ltd.)	—do—	272/70
7.	M/s. Khatau Brothers Limited.	—do—	288/70
8.	M/s. Varun Shipping Co. Ltd.	—do—	1053/75
8.	M/s. Indokem Ltd.	Udyog Mendir Compound, 7/C, Bhigaji Keer Marg, Mahim, Bombay-16.	11 1/75
10.	M/s. Carona Sahu Company Ltd.	—do—	1153/75
11.	M/s. Sigma Paints Limited.	Old Nazardas Road, 'Mogra' Andheri, (East) Bombay-400069	1149/75
12.	M/s. Sirpur Paper Mills Limited.	5-9-21/2 & 2 A Chirag Ali Lane, Hyderabad-500 001 (A.P.)	1575/82

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 7 जुलाई, 1987

का. प्रा. 2187.—केन्द्रीय सरकार ने, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. प्रा. 834(प्र), तारीख 13 नवंबर, 1984 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिश्रेष्ठ में भूमि का अर्जन करने के अपने आशय की सूचना कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की धारा (1) के अधीन दी थी;

और सक्षम अधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् तथा बिहार सरकार ने परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची "क" (उपब्लाक "क") में वर्णित माप में 31.22 एकड़ (लगभग) या 12.64 हेक्टर (लगभग) और अनुसूची "ख" (उप

ब्लॉक "ख") और अनुसूची "ग" (उप ब्लॉक "न") में वर्णित 420.90 एकड़ (लगभग) या 170.40 हेक्टेयर (लगभग) भूमि का भर्जन कर लिया जाना चाहिए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि उक्त अनुसूची "क" में वर्णित माप में 31.22 एकड़ (लगभग) या 12.64 हेक्टेयर (लगभग) और अनुसूची "ख" और "ग" में वर्णित 420.90 एकड़ (लगभग) या 170.40 हेक्टेयर (लगभग) भूमि का भर्जन किया जाता है।

2. इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त, धनबाद (बिहार) के कार्यालय में या कोयला नियंत्रक, 1-काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या निदेशक (तकनीकी), ईस्टर्न कोलफील्ड्स लिमिटेड, सेंटोरिबा, ब्राकघर बिशेरगढ़, जिला बर्धमान (पश्चिमी बंगाल) के कार्यालय में किया जा सकता है।

सिउलीवाड़ी ब्लॉक

रानीगंज कोलफील्ड्स

उप ब्लॉक "क"

अनुसूची "क"

राजपुरा कोलियरी

रेखाचित्र सं. 02/मिन-पट्टा

28/6/28

सभी अधिकार

(अर्जित भूमि दक्षित करने वाला)

क्र. सं. (भाग)	मोजा	पाना सं.	पाना	जिला	क्षेत्र एकड़ों में	टिप्पणी
1.	सिउलीवाड़ी	236	चिरकुंडा धनबाद	31.22	भाग	
कुल क्षेत्र: 31.22 एकड़ (लगभग) या 12.64 हेक्टेयर (लगभग)						

ग्राम सिउलीवाड़ी में अर्जित किए गए प्लॉटों के संख्यांक:

सभी अधिकार

2 से 52, 53 (भाग), 54 से 59, 349, 350, 356 से 386, 387 (भाग), 388 से 392, 393 (भाग), 396(भाग), 398, 399, 400, 401 (भाग), 402 (भाग), 410 (भाग), 411, 412(भाग), 420(भाग), 421(भाग), 422 से 431, 434।

सीमा वर्णन:

- 1-2 रेखा प्लॉट संख्यांक 2, 3, 4 और 13 की पश्चिमी सीमा के साथ जाती है और बिंदु 2 पर मिलती है।
- 2-3 रेखा प्लॉट संख्यांक 13, 14, 17, 19, 20, 21, 25, 26, 27, 28, 30, 31 की दक्षिण की ओर प्लॉट संख्या 31 की पूर्वी सीमा, प्लॉट संख्या 32, 59, 58, 57, 357 की दक्षिणी सीमा के साथ प्लॉट, संख्या 357 की पूर्वी सीमा के साथ, प्लॉट संख्यांक 355 की उत्तरी सीमा के साथ, प्लॉट संख्या 354 की पूर्वी सीमा के साथ, प्लॉट संख्या 350, 431, और 434 की दक्षिणी सीमा के साथ जाती है और बिंदु 3 पर मिलती है।
- 3-4 रेखा प्लॉट संख्या 427 और 424 की पूर्वी सीमा लाइन के साथ जाती है और बिंदु 4 पर मिलती है।

- 4-5 रेखा प्लॉट संख्या 420 में से होकर गुजरती है और प्लॉट संख्या 424 की उत्तरी सीमा के साथ जाती है और बिंदु 5 पर मिलती है।
- 5-6 रेखा प्लॉट संख्या 420, 423 और 422 से होकर गुजरती है और बिंदु 6 पर मिलती है।
- 6-7 रेखा प्लॉट संख्या 422, 387, 388, 393, 396 401, 402, 410, 412, 411 और 54 से होकर गुजरती है और बिंदु 7 पर मिलती है।
- 7-8 रेखा प्लॉट संख्या 53 से होकर गुजरती है और बिंदु 8 पर मिलती है।
- 8-1 रेखा प्लॉट संख्या 53, 52, 50, 51, 49 की उत्तरी सीमा के साथ प्लॉट संख्या 49 की पश्चिमी सीमा के साथ, प्लॉट संख्या 48 से होकर प्लॉट संख्या 6, 2, की उत्तरी सीमा के साथ जाती है और बिंदु "1" पर मिलती है।

सिउलीवाड़ी ब्लॉक

रानीगंज कोलफील्ड्स

(उप ब्लॉक "ख")

अनुसूची "ख"

(राजपुरा कोलियरी रेखाचित्र सं.

2/मिन पट्टा/28-6-82

सभी अधिकार

(अर्जित भूमि दक्षित करने वाला)

क्र. सं. (भाग)	मोजा	पाना सं.	पाना	जिला	क्षेत्र एकड़ों में	टिप्पणी
1.	सिउलीवाड़ी	236	चिरकुंडा धनबाद	3.42	भाग	
कुल क्षेत्र: 3.42 एकड़ (लगभग)						

ग्राम सिउलीवाड़ी में अर्जित किए गए प्लॉट संख्यांक:

(उप ब्लॉक "ख")

53(भाग), 387(भाग), 388, 393(भाग), 394, 395, 396 (भाग), 397, 401(भाग), 402(भाग), 403 से 409, 410(भाग), 412(भाग), 413 से 418, 417 420(भाग)।

सीमा वर्णन:

- 5-6 रेखा प्लॉट संख्या 420, 423, और 422 से गुजरती है और बिंदु 6 पर मिलती है।
- 6-7 रेखा प्लॉट संख्या, 422, 387, 388, 393, 396, 401, 402, 410, 412, 411, 454 से होकर गुजरती है और बिंदु 7 पर मिलती है।
- 7-8 रेखा प्लॉट संख्यांक 53 से होकर गुजरती है और बिंदु 8 पर मिलती है।
- 8-5 रेखा ग्राम सिउलीवाड़ी की उत्तरी सीमा के साथ जाती है और बिंदु 5 पर मिलती है।

सिउलीवाड़ी ब्लॉक

रानीगंज कोलफील्ड्स

(उप ब्लॉक "ग")

(अनुसूची "ग")

(राजपुरा कोलियरी रेखाचित्र सं. 2/मिन-

पट्टा/28-6-82)

सभी अधिकार		(अर्जित भूमि दलित करने वाला)			
क्र. सं.	मौजा (ग्राम)	धाना सं.	धाना	जिला क्षेत्र एकड़ों में	टिप्पणी
1.	सिउलीवाड़ी	236	चिरकुवा धनबाद	276.36	भाग
2.	इगारकुमार	237	चिरकुवा धनबाद	141.12	भाग
				कुल क्षेत्र : 417.48 एकड़ (लगभग)	
				या 168.35 हैक्टर (लगभग)	

ग्राम सिउलीवाड़ी में अर्जित किए गए प्लॉट संख्यांक :

60 से 348, 351 से 355, 421(भाग), 432, 433, 435 से 740, 742 से 755, ग्राम इगारकुमार में अर्जित किए गए प्लॉट संख्यांक : 1053 से 1067, 1068(भाग), 1069, 1070, 1071(भाग), 1072, 1073 (भाग) 1110 (भाग), 1203 (भाग), 1206 (भाग), 1213 (भाग), 1214 (भाग), 1217 (भाग), 1218 (भाग), 1219 (भाग), 1220 (भाग), 1224 (भाग), 1225 (भाग), 1226 (भाग), 1230 (भाग), 1240 (भाग), 1241 (भाग), 1242 (भाग), 1243 (भाग), 1244 (भाग), 1245 (भाग), 1246 (भाग), 1247 से 1257, 1258 (भाग), 1259 (भाग) 1260 (भाग), 1261, 1263 (भाग) 1264 (भाग), 1265 (भाग), 1266 (भाग), 1267, 1268, 1269 (भाग), 1270, 1271 (भाग), 1273 (भाग), 1424 (भाग), 1431 (भाग), 1432 (भाग), 1433 1442 (भाग), 1443 (भाग), 1451 (भाग), 1452 से 1469, 1470 (भाग), 1471 (भाग), 1472 (भाग), 1473, 1474, 1475 (भाग), 1476, 1477 (भाग), 1478 (भाग), 1559 (भाग), 1570, 1571 (भाग), 1583 से 1595, 1596 (भाग), 1598 (भाग), 1613 (भाग), 1611 (भाग), 1439 (भाग), 1440 (भाग), 1599 (भाग), 1600 से 1608, 1609 (भाग), 1684 (भाग), 1703 (भाग), 1704 (भाग), 1708 (भाग), 1709 1710 (भाग), 1711 से 1719, 1720 (भाग), 1721 से 1742, 1743 (भाग), 1744 से 1860, 1861 (भाग), 1862 से 1867, 1868 (भाग), 1869 (भाग), 1870 से 1879 (भाग), 1880 (भाग), 1881 (भाग), 1882 (भाग), 1883 (भाग), 1884 से 1997।

सीमा वर्णन :

रेखा 2-3 रेखा ग्राम सिउलीवाड़ी के प्लॉट संख्या, 62, 61 की उत्तरी सीमा के साथ, प्लॉट संख्या 31 की पूर्वी सीमा, प्लॉट संख्या 60 की उत्तरी सीमा, प्लॉट संख्या 55 की पश्चिमी सीमा, उत्तरी सीमा, प्लॉट संख्या 354 की पूर्वी सीमा, प्लॉट संख्या 348, 432, 433, 435 की उत्तरी सीमा और प्लॉट संख्या 439 के उत्तर पूर्व कोने के साथ जाती है और बिंदु 3 पर मिलती है।

रेखा 3-9 रेखा ग्राम सिउलीवाड़ी के प्लॉट संख्या 439, 441, 571 की पूर्वी सीमा, प्लॉट संख्या 585 की उत्तरी सीमा, प्लॉट संख्या 552 की उत्तर पूर्व सीमा, प्लॉट संख्या 607, 609, 753, 747, 664, 668, 671, 698, 701, 702 और 730 की पूर्वी सीमा के साथ जाती है और बिंदु 9 पर मिलती है।

रेखा 9-10 रेखा ग्राम सिउलीवाड़ी और ग्राम कुमारपूरी की सीमा के साथ जाती है।

रेखा 10-11 रेखा ग्राम सिउलीवाड़ी और ग्राम पंचमहाली की सम्मिलित सीमा के साथ जाती है।

रेखा 11-12 रेखा ग्राम इगारकुमार और ग्राम पंचमहाली की सम्मिलित सीमा के साथ जाती है और बिंदु 12 पर मिलती है।

रेखा 12-13 रेखा ग्राम इगारकुमार और ग्राम दुधपानी की सम्मिलित सीमा के साथ जाती है।

रेखा 13-14 रेखा ग्राम इगारकुमार और ग्राम गलफरवाड़ी की सम्मिलित सीमा के साथ जाती है।

रेखा 14-15 रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1634, 1708 1710, 1720, 1704, 1743, 1599, 1410 से गुजरती है और बिंदु 15 पर मिलती है।

रेखा 15-16 रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1440, 1439, 1438, 1273, 1271, 1269, 1260, 1265, 1264, 1263, 1262, 1260, 1259, 1258, 1244, 1245, 1246, 1243, 1241, 1242 से गुजरती है और बिंदु 16 पर मिलती है।

रेखा 16-17 रेखा ग्राम इगारकुमार के प्लॉट संख्या 1242, 1240, 1230, 1226, 1225, 1224, 1220 से गुजरती है और बिंदु 17 पर मिलती है।

रेखा 17-18 रेखा ग्राम इगारकुमार के प्लॉट संख्या 1220, 1219, 1218, 1217, 1214, 1213, 1206, 1883, 1868, 1869, 1870, 1880, 1881, 1882, 1283, 1110, 1068, 1073, 1071 से और जी. टी. रोड की उत्तरी सीमा से गुजरती है और बिंदु 18 पर मिलती है।

रेखा 18-19 रेखा ग्राम इगारकुमार के प्लॉट संख्या 662, 663, 664, 694, 695, 696, 1044, 1051, 1050, 1022, 1021, 1020 1019, 1016, 1015, 1012, 1011, 1010, 1008, 1007, 1005 पर दक्षिणी सीमा के साथ जाती है और बिंदु 19 पर मिलती है।

रेखा 18-20 रेखा ग्राम सिउलीवाड़ी के प्लॉट संख्यांक 129, 126, 740, 125, 124 का पश्चिमी सीमा, प्लॉट संख्या 115 दक्षिणी पूर्वी सीमा, प्लॉट संख्या 114 का पश्चिमी और उत्तरी सीमा, प्लॉट संख्या 97 की उत्तरी सीमा, प्लॉट संख्यांक 1 की पश्चिमी सीमा से गुजरती है और बिंदु 20 पर मिलती है।

रेखा 20-21 रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1611, 1613 प्लॉट संख्यांक 1615, 1598, 1596, की उत्तरी पश्चिमी सीमा और प्लॉट संख्यांक 1442 की दक्षिणी सीमा से होकर गुजरती और बिंदु 21 पर मिलती है।

रेखा 21-22 रेखा प्लॉट संख्यांक 1442, 1452, 1451, 1433, 1431, 1424 से होकर गुजरती है और रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1423 की दक्षिणी और पश्चिमी सीमा पर बिंदु 22 पर मिलती है।

रेखा 22-23 रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1423, 1432 प्लॉट संख्यांक 1433, 1484, 1478, 1477, 1475, 1472, 1471, 1470 की दक्षिणी सीमा, प्लॉट संख्यांक 1468, 1499 की उत्तरी सीमा और प्लॉट संख्यांक 1583 की उत्तरी सीमा, प्लॉट संख्यांक 1572, 1571, 1569, 1532 की दक्षिणी सीमा से होकर गुजरती है और बिंदु 23 पर मिलती है।

रेखा 23-20 रेखा ग्राम इगारकुमार के प्लॉट संख्यांक 1532, 1570, 1584, 1585, 1586, 1588, 1589, 1590, 1598, 1611 की पश्चिमी सीमा के साथ जाती है और बिंदु 20 पर मिलती है।

[फा. सं. 43019/35/84-सी.ए.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 7th July, 1987.

S.O.2187.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No.S.O. 834(E) dated the 13th November, 1984 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of the intention to acquire the lands in the locality, specified in the schedule appended to that notification;

And, whereas, the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government, after considering the report aforesaid, and after consulting the Government of Bihar is satisfied that the lands measuring 31.22 acres (approximately), or 12.64 hectares (approximately) described in Schedule 'A' (Sub Block 'A') and 420.90 acres (approximately), or 170.40 hectares (approximately) described in Schedule 'B' (Sub Block B) and Schedule 'C' (Sub Block C) appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 31.22 acres (approximately), or 12.64 hectares (approximately) described in Schedule 'A' and 420.90 acres (approximately), or 170.40 hectares (approximately) described in schedules 'B' and 'C' are hereby acquired.

The plan of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Dhanbad (Bihar), or in the office of the Coal Controller, I, Council House Street, Calcutta, or in the office of the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office Dishegarh, District Burdwan (West Bengal).

SIULIBARI BLOCK

RANIGANJ COALFIELDS, SUB-BLOCK 'A' SCHEDULE 'A'

(Rajpura Colliery Drawing No. 2/Min-Lease/28-6-82)

All rights: (Showing land acquired)

Sl. No. (Village).	Thana.	Police station District Area	Remarks in acres
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1.	Siulibari	236	Chirkunda. Dhanbad. 31.22 Part
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Total area: 31.22 acres (approximately), or 12.64 hectares (approximately)

Plot numbers acquired in mouza Siulibari:

All rights:

2 to 52, 53 (Part), 54 to 59, 349, 350, 356 to 386, 387 (Part) 389 to 392, 393 (Part), 396 (Part), 398, 399, 400, 401 (Part) 402 (Part), 410 (Part), 411, 412 (Part), 420 (Part), 421 (Part) 422 to 431, 434.

BOUNDARY DESCRIPTION :

1-2 Line passes along Western boundary of plot number 2, 3, 4 and 13 and meets at point 2.

2-3 Line passes along south side of plot numbers 13, 14 17, 19, 20 21, 25, 26, 27, 28, 30, 31 Eastern boundary of plot No. 31, Southern Boundary of plot number 32, 59, 58, 57, 357, Eastern Boundary of plot number 357, Northern Boundary of plot No. 355, Eastern

Boundary of plot No. 354, Southern Boundary of plot No. 350, 331 and 434 and meets at point 3.

3-4 Line passes along the Eastern Boundary line of plot No. 427 and 424 and meets at point 4.

4-5 Line passes along the Northern boundary of plot No. 424 through plot No. 420 and meets at point 5.

5-6 Line passes through plot No. 420, 423 and 422 and meets at points 6.

6-7 Line passes through Plot Nos. 422, 387, 388, 393, 396, 401, 402, 410, 412, 411 and 54 and meets at point 7

7-8 Line passes through Plot No. 53 and meets at point 8

8-1 Line passes along Northern Boundary of Plot No. 53, 52, 50, 51, 49, along Western boundary of plot No. 49 through plot No. 48, Northern boundary of plot No. 6, 2 and meets at point 1.

SIULIBARI BLOCK

RANIGANJ COLFIELDS, (SUB BLOCK 'B') SCHEDULE 'B'

Rajpura Colliery Drawing No. 2/Min-Lease/28-6-82

Mining rights: (Showing land acquired)

Sl. No. (Village).	Thana.	Police Station District Area	Remarks in acres.
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1.	Siulibari.	236	Chirkunda. Dhanbad. 3.42 Part.
Total 3.42 acres (approximately).			

Plot numbers acquired in mouza Siulibari:

(Sub Block 'B')

53 (Part), 387 (Part), 388, 393 (Part), 394, 395, 396 (Part), 397, 401 (Part), 402 (Part), 403 to 409, 410 (Part), 412 (Part), 413 to 418, 419, 420 (Part).

BOUNDARY DESCRIPTION

5-6 Line passes: through plot numbers 420, 423 and 422 and meets at point 6.

6-7 Line passes through plot No. 422, 387, 388, 393, 396, 401, 402, 410, 412, 411, 454 and meets at point 7.

7-8 Line passes through plot number 53 and meets at point 8.

8-5 Line passes along the Northern boundary of mouza Siulibari and meets at point 5.

SIULIBARI BLOCK

RANIGANJ COALFIELDS (SUB BLOCK 'C') SCHEDULE 'C'

Rajpura colliery drawing No. 2/MM/Lease date 28-6-82.

Mining rights: (Showin lands acquired)

Sl. No. (Village).	Thana.	Police Station District Area	Remarks in acres.
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1.	Siulibari.	236.	Chirkunda Dhanbad 276.36 Part.
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2.	Egarkuadr.	237	Chirkunda. Dhanbad 141.12 Part.
Total:			417.48 acres

(approximately),

or 168.35 hectares (approximately).

Plot numbers acquired in mouza Siulibari :

60 to 348, 351 to 355, 421 (Part), 432, 433, 435 to 740, 742 to 755.

Plot numbers acquired in mouza Egarkuar :

1053 to 1067, 1968 (Part), 1969, 1070, 1071 (Part), 1072, 1073 (Part), 1110 (Part), 1203 (Part), 1206 (Part), 1213 (Part), 1214 (Part), 1217 (Part), 1218 (Part), 1219 (Part), 1220 (Part), 1224 (Part), 1225 (Part), 1226 (Part), 1230 (Part), 1240 (Part), 1241 (Part), 1242 (Part), 1243 (Part), 1244 (Part), 1245 (Part), 1246 (Part), 1247 to 1257, 1258 (Part), 1259 (Part), 1260 (Part), 1261 (Part), 1263 (Part), 1264 (Part), 1265 (Part), 1266 (Part), 1267, 1268, 1269 (Part), 1270, 1271 (Part), 1273 (Part), 1424 (Part), 1431 (Part), 1432 (Part), 1433, 1442 (Part), 1443 (Part), 1451 (Part), 1452 to 1469, 1470 (Part), 1471 (Part), 1472 (Part), 1473, 1474, 1475 (Part), 1476, 1477 (Part), 1478 (Part), 1559 (Part), 1570, 1571 (Part), 1583 to 1595, 1596 (Part), 1598 (Part), 1613 (Part), 1611 (Part), 1439 (Part), 1440 (Part), 1599 (Part), 1600 to 1608, 1609 (Part), 1684 (Part), 1703 (Part), 1704 (Part), 1708 (Part), 1709, 1710 (Part), 1711 to 1719, 1720 (Part), 1721 to 1742, 1743 (Part), 1744 to 1860, 1861 (Part), 1862 to 1867, 1868 (Part), 1869 (Part), 1870 to 1878, 1879 (Part), 1880 (Part), 1881 (Part), 1882 (Part), 1883 (Part), 1884 to 1997.

BOUNDARY DESCRIPTION

Line 2-3 Line passes along the northern boundary of plot No. 62, 61 Eastern boundary of plot No. 31, northern boundary of plot No. 60, Western and northern boundary of plot No. 55 eastern boundary of plot No. 354, northern boundary of plot numbers 348, 432, 433, 435 and northern east corner of plot number 439 of mouza Siulibari and meets at point 3.

Line 3-9 Line passes along the Eastern boundary of plot numbers 439, 441, 571, northern boundary of plot number 585, northern & Eastern boundary of plot number 592, eastern boundary of plot numbers 607, 609, 753, 747, 664, 668, 671, 698, 701, 702 and 739 of mouza siulibari and meets at point 9.

Line 9-10 Line passes along the boundary of mouza Siulibari and mouza Kumardhubi.

Line 10-11 Line passes along the common boundary of mouza Siulibari and mouza Pachmahali.

Line 11-12 Line passes along the common boundary of mouza Egarkuar and mouza Panchmahali and meets at point 12.

Line 12-13 Line passes along the common boundary of mouza Egarkuar and mouza Dudhapani.

Line 13-14 Line passes along the common boundary of mouza Egarkuar and mouza Galpharbari.

Line 14-15 Line passes through plot numbers 1684, 1708, 1710, 1720, 1704, 1743, 1599, 1440 of mouza Egarkuar and joins at point 15.

Line 15-16 Line passes through plot numbers 1440, 1439, 1438, 1273, 1771, 1269, 1266, 1265, 1264, 1263, 1262, 1260, 1259, 1258, 1244, 1245, 1246, 1243, 1241, 1242 of mouza Egarkuar and joins at point 16.

Line 16-17 Line passes through plot numbers 1242, 1240, 1230, 1226, 1225, 1224, 1220 of mouza Egarkuar and joins at point 17

Line 17-18 Line passes through plot No. 1220, 1219, 1218, 1217, 1214, 1213, 1206, 1883, 1868, 1879, 1880, 1881, 1882, 1233, 1110, 1058, 1073, 1071 Northern boundary of G T Road of mouza Egarkuar and joins at point 18

Line 18-19 Line passes along the Southern boundary of plot No. 662, 663, 664, 694, 695, 696, 1044, 1051, 1050, 1022, 1021, 1020, 1019, 1016, 1015, 1012, 1011, 1010, 1003, 1007, 1005 of Mouza Egarkuar and meets at point 19.

Line 19-20 Line passes through the Western boundary of plot numbers 129, 126, 740, 125, 124, Southern West Boundary of plot number 115, Western and Northern boundary of plot number 114 Northern boundary of plot number 97, Western boundary of plot number 1 of mouza Siulibari and meets at point 20

Line 20-21 Line passes through plot numbers 1611, 1613, Northern Western boundary of 1615, 1596, 1598 and Southern boundary of plot number 1442 of mouza Egarkuar and meets at point 21.

Line 21-22 Line passes through plot numbers 1442, 1452, 1451, 1433, 1431, 1424 and meets at Southern and Western boundary of plot number 1423 of mouza Egarkuar and meets at point 22.

Line 22-23 Line passes through plot numbers 1423, 1432, Southern boundary of plot number 1433, 1484, 1478, 1477, 1475, 1472, 1471, 1470 Northern boundary of plot numbers 1468, 1490, Northern boundary of plot number 1583, Southern boundary plot numbers 1572, 1571, 1569, 1532 of mouza Egarkuar and meets at point 23.

Line 23-20 Line passes along Western boundary of plot numbers 1532, 1570, 1584, 1585, 1586, 1588, 1589, 1590, 1598, 1611 of mouza Egarkuar of and joins at point 20

नई दिल्ली, 11 अगस्त, 1987

का. भा. 2188 :—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायय अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है।

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. स्वी-1(ई)/III-एफ. भार./390-0487, तारीख 7 अप्रैल, 1987 का निरीक्षण बैस्टन कोल-फील्ड लि. (राजस्व विभाग), कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर नागपुर (महाराष्ट्र) के कार्यालय में प्रथम कोयला नियंत्रक 1, कार्टसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर राजस्व अधिकारी बैस्टन कोलफील्ड लि., कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 को भेजेगा।

अनुसूची

आबादा ब्लॉक

नागपुर क्षेत्र

(जिला नागपुर (महाराष्ट्र))

क्र.सं. ग्राम का नाम	पटवारी सफिल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियाँ
1. कोटोडी	30	सोनेर	नागपुर	282.87	भाल
2. येरेंडगांव	30	"	"	328.10	पूर्ण
3. ब्रह्मपुरी	30	"	"	205.05	पूर्ण
4. सोनपुर	31	"	"	387.00	पूर्ण
5. आबादा	31	कल्लेबहार	"	331.70	भाल
6. कुसंबी	32	सोनेर	"	413.69	पूर्ण
7. पंचराखेडी	33	"	"	299.01	पूर्ण
8. पटकाखेडी	33	कल्लेबहार	"	9.97	भाल
				योग 2257.39 हैक्टर (लगभग)	
				या	
				5575.75 एकड़ (लगभग)	

सीमा वर्णन :

क--ख रेखा बिन्दु 'क' से आरंभ होती है और ग्राम आबादा, सोनपुर, ब्रह्मपुरी, येरेंडगांव, कुसंबी की बाह्य सीमा के साथ-साथ जाती है तथा बिन्दु 'ख' पर मिलती है।

ख--ग--त--ण रेखा ग्राम कुसंबी, पंचराखेडी की बाह्य सीमा के साथ-साथ जाती है, उसके पश्चात् ग्राम पंचराखेडी, कोटोडी, आबादा से होकर जाती है और बिन्दु 'ण' पर मिलती है।

ण--क रेखा ग्राम आबादा की बाह्य सीमा के साथ-साथ जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

[सं. 43015/8/87-सी.प.]

New Delhi, the 11th August, 1987

S. O. 2188.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/FR/390-0487 dated the 7th April, 1987 of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur, 440001 (Maharashtra) or at the office of the Collector, Nagpur (Maharashtra) or at the office of the Coal Controller 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification.

SCHEDULE

Adasa Block

Nagpur Area

DISTRICT—NAGPUR (MAHARASHTRA)

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Kotodi	30	Saoner	Nagpur	282.87	Part
2.	Yerandgaon	30	Saoner	Nagpur	328.10	Full
3.	Brahmpuri	30	Saoner	Nagpur	205.05	Full
4.	Sonpur	31	Saoner	Nagpur	387.00	Full
5.	Adasa	31	Kalmeshwer	Nagpur	331.70	Part
6.	Kusambi	32	Saoner	Nagpur	413.69	Full
7.	Pandharkheri	33	Saoner	Nagpur	299.01	Full
8.	Patkakheri	33	Kalmeshwar	Nagpur	9.97	Part

Total— 2257.39 hectares
(approximately), or
5575.75 acres approxima-
tely).

Boundary description :—

- A—B Line starts from point 'A' and passes along the outer boundary of villages Adasa, Sonpur, Brahmpuri, Yerandgaon, Kusambi and meets at point 'B'.
- B—C—P—O Line passes along the outer boundary of villages Kusambi, Pandharkhedli, then proceeds through villages Patkakheri, Kitodi, Adasa and meets at point 'O'.
- O—A Line passes along the outer boundary of village Adasa and meets at starting point 'A'.

[No. 43015/87-CA]

का. आ. 2189—केन्द्रीय सरकार को यह प्रतीत होना है कि इनसे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अधिप्राप्त किये जाने की संभावना है;

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (भर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने प्राणय की सूचना देती है;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. राजस्व 1/87, तारीख 8 जनवरी, 1987 का निरीक्षण नार्थन कोलफील्ड्स लिमिटेड (राजस्व-अनुभाग), सिंगरीली के कार्यालय में या कलक्टर, सिंधी (मध्य प्रदेश) के कार्यालय के अथवा कोयला नियंत्रक, 1-काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर राजस्व अनुभाग, नार्थन कोलफील्ड्स लिमिटेड, सिंगरीली को भेजेंगे।

अनुसूची

सकभीबाई ब्लॉक

नार्थन कोलफील्ड्स लिमिटेड सिंगरीली

जिला—सिंधी (मध्य प्रदेश)

पूर्वेक्षण के लिये अधिसूचित भूमि :—

क्र.सं.	ग्राम	तहसील	जिला	क्षेत्र	टिप्पणियाँ
1.	अमिलिया	सिंगरीली	सिंधी	1616.22	भाग
2.	सुहिरा	"	"	1567.61	भाग
3.	खीबरी	"	"	150.67	भाग

कुल क्षेत्र : 3334.50 एकड़ (लगभग)

या 1350.00 हेक्टर (लगभग)

सं.मा वर्णन :—

क—ख रेखा ग्राम अमिलिया से होकर जाती है।

ख—ग रेखा ग्राम अमिलिया से होकर जाती है।

ग—घ रेखा ग्राम अमिलिया से होकर जाती है।

- ब—उ रेखा ग्राम अभिलिया से होकर जाती है ।
 ब—घ रेखा ग्राम अभिलिया से होकर जाती है ।
 ब—छ रेखा ग्राम अभिलिया, सुहिरा, खोखरी से होकर जाती है और बिन्दु "छ" पर मिलती है ।
 छ—ज रेखा ग्राम खोखरी और सुहिरा से होकर जाती है और बिन्दु "ज" पर मिलती है ।
 ज—झ रेखा ग्राम सुहिरा से होकर जाती है ।
 झ—ञ रेखा ग्राम सुहिरा से होकर जाती है ।
 झ—क रेखा ग्राम सुहिरा और अभिलिया से होकर जाती है और बिन्दु "क" पर मिलती है ।

[सं. 43015/7/87-सी.ए.]

समय सिंह, प्रवर सचिव

S.O. 2189.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. Rev/1/87 dated the 8th January, 1987 of the area covered by this notification can be inspected at the office of the Northern Coalfields Limited (Revenue Section), Singrauli or at the office of Collector, Sidhi (Madhya Pradesh) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Section, Northern Coalfields Limited, Singrauli, within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

Laxmibai Block

Northern Coalfields Limited

Singrauli

District—Sidhi (Madhya Pradesh)

Lands notified for prospecting :—

Sl. Village No.	Tahsil	District	Area	Remarks
1	2	3	4	5
1. Amilia	Singrauli	Sidhi	1616.22	Part
2. Suhira	Singrauli	Sidhi	1567.61	Part
3. Khokhari	Singrauli	Sidhi	150.67	Part
Total :			3334.50 acres (approximately), or 1350.00 hectares (approximately).	

Boundary Description :—

- A—B Line passes through village Amilia
 B—C Line passes through village Amilia
 C—D Line passes through Village Amilia
 D—E Line passes through village Amilia
 E—F Line passes through village Amilia
 F—G Line passes through village Amilia, Suhira, Khokhari and meets at point G.
 G—H Line passes through village Khokhari and Shira and meets at point 'H'.
 H—I Line passes through village Suhira.
 I—J Line passes through village Suhira.
 J—A Line passes through village Suhira and Amilia and meets at point A.

[No. 43015/7/87-CA]

SAMAY SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 11 अगस्त, 1987

का.भा. 2190.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के पैरामेडों के अनुसरण में, डा० जी. जे. एस. अब्राहम, संकायाध्यक्ष, गोवा मेडिकल कालेज, पणजी, गोवा को इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में गोवा विश्व-विद्यालय को कार्य परिषद् द्वारा चुन लिया गया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के अनुपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं. का.भा. 138 सं. 5-13-59 एम.आई. तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन नियुक्त" शीर्षक के अधीन, अंत में निम्नलिखित क्रम सं और प्रविष्टि अंतर्स्थापित की जाएगी, अर्थात्—

"65. डा. जी. जे. एस. अब्राहम,
संकायाध्यक्ष, गोवा मेडिकल कालेज,
पणजी, गोवा"।

[संख्या बी. 11013/65/87-एम.ई. (पी.)]

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 11th August, 1987

S.O. 2190.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. G. J. S. Abraham, Dean of Goa Medical College Panji, Goa, has been elected by the Executive Council of University of Goa to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Govt. of India in the late Ministry of Health, No. S.O. 138 of 5-13/59-MI dated the 9th January, 1960, namely:—

in the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" at the end, the following serial number and entry shall be inserted, namely:—

"65. Dr. G. J. S. Abraham,
Dean of Goa Medical College,
Panji, Goa".

[No. V. 11013/65/87-ME(P)]

का.भा. 2191.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में और मणिपुर सरकार के परामर्श से डा. कुमुद सिंह, निदेशक, स्वास्थ्य सेवा मणिपुर को पुनः भारतीय चिकित्सा परिषद् के सदस्य के रूप में नामनिर्दिष्ट किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के खंड (क) के उपखंडों के अनुसरण में डा. पी. कुमुद सिंह को स्वास्थ्य मंत्रालय की अधिसूचना सं. का.भा. 138 तारीख 9 जनवरी, 1960 के अधीन गठित भारतीय चिकित्सा परिषद् के सदस्य के रूप में नामनिर्दिष्ट करती है।

"20 डा. पी. कुमुद सिंह,
निदेशक स्वास्थ्य सेवा,
मणिपुर"।

[संख्या बी. 11013/10/87-एम.ई. (पी.)]

11 GI/87-3

S.O. 2191.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Manipur have nominated Dr. P. Kumud Singh, Director of Health Services Manipur to be a member of the Medical Council of India.

Now, therefore, in pursuance of the provisions of clause (a) of sub-section (1) of section 3 of the said Act, the Central Government hereby renominates Dr. P. Kumud Singh to be a member of the Medical Council of India constituted under notification of the Ministry of Health No. S.O. 138, dated the 9th January, 1960 namely:—

"20. Dr. P. Kumud Singh,
Director of Health Services,
Manipur".

[No. V-11013/10/87-ME(P)]

का.भा. 2192.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपखंड के अनुसरण में डा. ई. कुलधवाजा सिंह प्रादेशिक चिकित्सा महाविद्यालय, इम्फाल के कार्यकारी प्रिंसिपल को मणिपुर विश्वविद्यालय की संघीय सभा द्वारा इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया गया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के पूर्व स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.भा. (138) संख्या 5-13/59 एम.आई. तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात्—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के नीचे क्रम संख्याक 63 और उसमें संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्याक और प्रविष्टि रखा जाएगी, अर्थात्—

"63. डा. ई. कुलधवाजा सिंह,
कार्यकारी प्रिंसिपल,
प्रादेशिक चिकित्सा महाविद्यालय,
इम्फाल (मणिपुर)"।

[सं. बी. 11013/43/87-एम.ई. (पी.)]

भार. श्रीनिवासन, अवर सचिव

S.O. 2192.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. E. Kuladhawaja Singh, Acting Principal of the Regional Medical College, Imphal has been elected by the Senate of University of Manipur to be a member of the Medical Council of India with effect from the date of issue of the notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Govt. of India in the late Ministry of Health, No. S.O. 138 (No. 5-13/59-MI) dated the 9th January, 1960, namely

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 63 and the entry relating thereto the following serial number and entry shall be substituted, namely:—

"63. Dr. E. Kuladhawaja Singh,
Acting Principal,
Regional Medical College,
Imphal (Manipur)".

[No. V-11013/43/87-ME(P)]

R. SRINIVASAN, Under Secy.

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 4 जून, 1987

शुद्धि पत्र

का. भा. 2192.—भारत सरकार के मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) की अधिसूचना सा. का. नि. 708 तारीख 6 अगस्त, 1986 में, उ अन्वयन व्यूरी में मुख्य प्रकाशन अधिनियम के पद में संबंधित शर्तों नियम में, स्तर 13 के अधीन "(पुष्टि संबंध में विचार करने के लिए समूह 'क' विभागीय प्रारम्भिक सामान्य) विषय के नीचे की प्रथम प्रविष्टि में, (1) सचिव, मानव संसाधन विकास मंत्रालय के स्थान पर, (1) सचिव मानव संसाधन विकास मंत्रालय अध्यक्ष पदा जाए।

[स. एफ. 15-22/86-डी. 3(एफ)]

ओ. पी. चतुर्वेदी, डेस्क अधिकारी

(संस्कृति विभाग)

नई दिल्ली 3 अगस्त, 1987

का. भा. 2194.—मिनेटोग्राफ अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) की शर्तों के अधीन (प्रमाणिकरण) नियमावली, 1983 के नियम 3 (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार क्तिना प्रमाणिकरण बॉर्डर में डा. पी. मन्मथ शिवन् की सदस्यता तत्काल से समाप्त करने की एतद्वारा घोषणा करती है।

[फाइल नं. 811/4/86—एफ. सी. खण्ड—1]

भास्कर चटर्जी, उप सचिव

(Department of Culture)

New Delhi, the 3rd August, 1987

S.O. 2194.—In exercise of the powers conferred by sub-section (i) of Section 3 of the Cinematograph Act, 1952 (37 of 1952), and rule 3(i) of the Cinematograph (Certification) Rule, 1983, the Central Government hereby declares that Dr. D. Sadasivan ceases to be the member of the Central Board of Film Certification with immediate effect.

[File No. 811/4/86-FC Pt. I]

BHASKAR CHATTERJEE, Dy. Secy.

दिल्ली विकास प्राधिकरण

नई दिल्ली, 22 अगस्त, 1987

सार्वजनिक सूचना

का. भा. 2195.—केन्द्रीय सरकार का दिल्ली की मुख्य योजना/जीएस योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जो एतद्वारा सार्वजनिक सूचना के लिए प्रकाशित किया जाता है। यदि किसी व्यक्ति को प्रस्तावित संशोधन के संबंध में कोई आपत्ति हो या वह सुझाव देना चाहता हो तो वह अपनी आपत्ति/सुझाव लिखित रूप में इस सूचना के जारी होने की तिथि से 30 दिन की अवधि के अन्दर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लाक, आई, एन, ए, नई दिल्ली को भेज सकता है। आपत्ति अथवा सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिए।

संशोधन।

जान ई-13(भाग) मण्डवाली फाजलपुर में आने वाली और दक्षिण पश्चिम में यमुना नदी के माजिनल बांध और उत्तर-पश्चिम में गाझियाबाद को जाने वाली नई रेलवे लाइन और उत्तर में 45 मी० (150') चौड़ी मुख्य योजना सड़क और उत्तर-पूर्व में 60 मी० (200') मुख्य सड़क और यमुना नदी के दक्षिण-पूर्व में 90 मी० (300') चौड़ी नेशनल हाइवे बाइपास में विरोधी हुई लगभग 36.27 हेक्टे० क्षेत्रफल भूमि के उपयोग को औद्योगिक उपयोग से आवासीय उपयोग में बदला जाना प्रस्तावित है।

2 प्रस्तावित संशोधन की दृष्टि से प्लान निरीक्षण के लिए उपर्युक्त अवधि के दौरान सभी कार्यशील विषयों को उन निदेशक, मुख्य बाजना अनुभाग, उठी मंजिल, विकास मंजिल, उत्तरप्रस्थ एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[सं० एफ० 20(5)/87-एम०पी०]

जानक जुनेजा, सचिव

दिल्ली विकास प्राधिकरण

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 22nd August, 1987

PUBLIC NOTICE

S.O. 2195.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Plan for Delhi, is hereby published for public information. Any person having any objection, or suggestion with respect to the proposed modification may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

NOTIFICATION :

"The land use of an area, measuring about 36.27 ha. falling in zone F-13 (Part) Mandawali-Fazalpur and bounded by marginal bund to river Yamuna in the South-West and New Railway Line to Ghaziabad in the North-West and 45 mtrs. (150') wide Master Plan Road in the North and 60 mtrs. (200') arterial road in the North-East and 90 mtrs. (300') wide National Highway bye-pass in the South-East of river Yamuna, is proposed to be changed from 'Industrial use' to 'Residential use'."

2. The plan indicating the proposed modification will be available for inspection at the office of the Dy. Director, Master Plan Section, Vikas Minar, 6th Floor, I.P. Estate, New Delhi on all working days within the period referred to above.

[No. F. 20(5)/87-MP]

JANAK JUNEJA, Secy.

Delhi Development Authority

रक्षा मंत्रालय

(रेलवे बोर्ड)

नया दिल्ली, 4 अगस्त, 1987

का. भा. 2196.—भारतीय रेल अधिनियम 1890 (1890 का अधिनियम ix) की धारा 82 ख द्वारा प्रदान शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री धरम रत्ता, प्रतिरिक्त जिला जज, अमृतसर की उत्तर रेलवे के सम्मूह स्टेशन पर 22-11-85 को 6 म एम० एन. पैसेंजर गाड़ी में बम विस्फोट तथा 20-6-1986 को नरेल में 178 डा० गाड़ी के साथ दिल्ली परिवहन नियम की बस नं० 3431 की हुई टक्कर के गिकारी व्यक्तियों के क्षतिपूर्ति के दावों के निर्णय में

लिए नदर्य वावा आयुक्त के रूप में नियुक्त करती है। उनका मुख्यालय लुधियाना में होगा।

[No. 87/ई(ओ)/II/2/4]
सतीश मोहन वीण, सचिव रेलवे बोर्ड

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 4th August, 1987

S.O. 2196.—In exercise of the powers conferred by section 82 B of the Indian Railways Act 1890 (Act IX of 1890) the Central Government hereby appoints Shri Amar Dutta, Addl. District Judge, Amritsar as Ad-hoc Claims Commissioner for deciding cases of compensation of the victims of Bomb explosion in 6 USN passenger train at Sambhu Station of Northern Railway on 22-11-1983 and collision of DTC Bus No. 3430 with train No. 178 DN at Narela on 20-6-1986. His Headquarters will be at Ludhiana.

[No. 87/E(O)II/1/4]
S.M. VAISH, Secy.
Railway Board

संचार मंत्रालय

(दूर-संचार विभाग)

नई दिल्ली, 6 अगस्त, 1987

का. भा. 2197.—स्वायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने रानीखेत टेलीफोन केन्द्र, उत्तर प्रदेश सर्किल, में दिनांक 15-8-1987 से प्रस्तावित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-14/87—पी. एच. बी.]

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

New Delhi, the 6th August, 1987

S.O. 2197.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 15th August, 1987 as the date on which the Measured Rate System will be introduced in Ranikhet Telephone Exchange in U.P. Telecom. Circle.

[No. 5-14/87-PHB]

नई दिल्ली, 11 अगस्त, 1987

का. भा. 2198.—स्वायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूर संचार विभाग ने वृद्धापे हमालपट्टि तथा उपलिख पुरम टेलीफोन केन्द्र तमिलनाडु सर्किल, में दिनांक 21-8-1987 से प्रस्तावित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5-1/87-पी. एच. बी.]

पी. अ. र. कारका, सहायक महानिदेशक (पी. एच. बी.)

New Delhi, the 11th August, 1987

S.O. 2198.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March 1960, the Director General Department of Telecommunications, hereby specifies 21-8-1987 as the date on which the Measured Rate System will be

introduced in Panchayatsamudra and Upasatana Telephone Exchanges in Tamil Nadu Telecom. Circle.

[No. 5-1/87-PHB]

P. R. KARRA, Assistant Director General (PHB)

श्रम मंत्रालय

नई दिल्ली, 6 अगस्त, 1987

का. भा. 2199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्र सरकार, आजादवाणी प्रयत्नों से सम्बन्धित निराहते श्रम उनके पदाधारों के बीच, अनुसूच में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिकरण, नई दिल्ली के पंचाट का प्रकाशित करती है, जो केन्द्र सरकार का 30 जुलाई, 1987 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 6th August, 1987

S.O. 2199.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of All India Radio and their workmen, which was received by the Central Government on the 30th July, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 4/86

In the matter of dispute between:

Shri Ram Lagan S/o Shri Prabhu Nath, aged 27 years
r/o A-31, Shastri Park, Delhi

Versus

The Director General, All India Radio, Jamnagar House,
New Delhi.

APPEARANCES:

Shri Ashwani Kumar—for the workman.

Shri S. Naga Narasimha—for Management.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-42012(48)/84-D. II(B) dated 28th November, 1985 has referred the following industrial dispute to the tribunal for adjudication.

"Whether the action of Installation Officer, All India Radio, Mall Road, New Delhi in stopping Shri Ram Lagan from work from 13th April, 1984 is justified? If not, to what relief the workman concerned is entitled?"

2. It is stated by the workman that he served the Management from 17th June, 1983 to 12th April, 1984 whereafter his services were terminated without any notice, charge sheet or enquiry and without payment of any notice pay or retrenchment compensation. The action of the Management was clearly illegal and unjustified as the mandatory provisions of the I.D. Act had not been complied with. Hence the workman sought his reinstatement with continuity of service and with full back wages.

3. The Management in its written statement submitted that the workman was kept on casual work which after being achieved namely the Asian Games, he was removed as no work was existing at the time of removal from service. It was denied that the workman continued to work without any break. It was further stated that the removal was because of non-availability of the work and the workman can not be given benefit.

4. The parties did not produce any oral evidence and placed reliance on the documents placed on record. The Management itself has placed on record statement Ex. M-1 showing the attendance of the workman as casual labour for the period from 17th June, 1983 to 14th April, 1984. As some periods were missing from this statement the Management submitted a further statement Ex. M-2 showing the attendance of the workman for the period from 20th February, 1983 to 30th March, 1983. A combined reading of Ex. M-1 and M-2 goes to show that the workman had put in total about 250 days during the period from 17th June, 1983 to 14th April, 1984 which means that he had completed one year continuous service as defined in section 25-B of the I.D. Act and consequently he had become entitled to the benefits conferred by section 25-F of the I.D. Act. The Management had admittedly not given any notice nor paid any wages in lieu of notice period nor paid any retrenchment compensation and, therefore, the termination of the service of the workman was clearly in violation of the mandatory provision of section 25-F of the I.D. Act.

5. The contention of the Management that the workman was employed only as a casual worker and he is not entitled to any retrenchment compensation and that the protection of section 25-F (and 25-G) of the Act is not applicable to him is devoid of any force. This controversy has been set at rest by the Authority workman or MCD and another Vs. Management of MCD and another 1987 (1) LLJ 85 Delhi High Court wherein it was held as under :

"Industrial Disputes Act 1947—Section 2(S) and 25-F—Daily rated workman—Retrenchment or daily rated worker—Procedure to be followed—Condition precedent laid down in Sec. 25(F) would apply even to daily rated worker if he had put in the requisite service during the relevant period. Lump sum compensation awarded towards back wages since the worker was daily rated worker and on account of difficulty in ascertaining the number of days such worker might have worked.

Industrial Dispute relating to the non-employment of a workman was referred for adjudication to the Additional Industrial Tribunal, Delhi. The said workman was employed on a daily rated basis as a pipe fitter. Slum Department of the Municipal Corporation of Delhi. Based on the contention that the scheme in which the workman was employed was transferred to Delhi Development Authority and, therefore, the workman cannot claim any Relief against Delhi Municipal Corporation, the Labour Court dismissed the claim of the workman. Hence the writ petition by the workman.

Held : When the petitioner was not assigned any further work it amounts to termination and on that date the department was admittedly with the Municipal Corporation, Delhi. It is well settled that Section 25(F) of the I.D. Act is plainly intended to give relief to retrenched workman. The qualification for relief under Section 25(F) is that the person should be a workman employed in an industry and has been in continuous service for not less than one year under his employer. What is continuous service has been defined and explained in Section 25(B) of the I.D. Act. The workman who is not in continuous service for a period of one year shall be deemed to be in continuous service if the workman during the period of 12 months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than 240 days. Daily rated workman is as good a worker provided he has put in the requisite number of days of service during the relevant period. Once a daily rated worker has rendered continuous uninterrupted service for a period of one year or more within the meaning of Section 25(F) of the I.D. Act the condition enumerated in that section has to be complied with non-compliance with this provision would render the termination invalid.

6. It was in the discussion made above the action of the Management in stopping (which amounts to termination) Shri Ram Lagan from work from 13th April, 1983 is illegal

and unjustified and the workman is entitled to reinstatement with continuity of service and with full back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.
10th July, 1987.

G. S. KALRA, Presiding Officer

[No. L-42012/48/84-D.II(B,

नई दिल्ली, 10 अगस्त, 1987

गु ३-पत्र

का० आ० 2200.—भारत सरकार मन्त्रालय को, भारत के राजपूत के भाग II, खण्ड 3, उप खण्ड (ii) में 11 अप्रैल, 1987 के पञ्चम प्रकाशन के लिए भेजी दिनांक 30-3-1987 का इस मन्त्रालय का अधिसूचना संख्या एल०-41012/8/85-डी-2 (बी) को पंक्ति 5 में, कृपया प्रवर्धित का नाम वेस्टर्न रेलवे, प्रजमेर के स्थान पर विशांजनल रेल प्रवर्धक, उत्तर पूर्वी रेलवे रखने का पढ़ें।

[संख्या एल०-41012/8/85-डी-2(बी)]

दूर निदेश, ईस्क अधिकार

New Delhi, the 19th August, 1987

CORRIGENDUM

S.O. 2200.—In line No. 5 of this Ministry's Notification No. L-41012/8/85-D. II(B) dated 30-3-87, sent to the Government of India Press for publication in Part II Section sub-section (ii) of the Gazette of India not later than 11th April, 1987, please read the name of the management Divisional Railway Manager, North Eastern Railway, Lucknow in place of Western Railway, Ajmer.

[No. L-41012/8/85-D. II(B)

HARI SINGH, Desk Officer

New Delhi, the 7th August, 1987

CORRIGENDUM

S.O. 2201.—In the notification of the Government of India in the Ministry of Labour No. S.O. 2461, dated the 2 May, 1985, published in the Gazette of India, Part II Section 3 Sub-section (ii), dated 1st June, 1985, in line 4 for "Memorial Centre" read "Memorial Centre".

[S. 35017(57)/85-SS

CORRIGENDUM

S.O. 2202.—In the notification of the Government of India in the Ministry of Labour No. S.O. 2449, dated 21st May, 1985, published in the Gazette of India, Part II Section 3 Sub-section (ii), dated 1st June, 1985, in the line after the word 'Awar' the word 'Ajmer' may be inserted.

[S-35019(197)/85-S

का. आ. 2203.—कर्मचारी राज्य बीमा नियम में जो कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) द्वारा 3 अधीन स्थापित एक नकाश है, उपदान संघाय अधिनियम, 1972 (19 का 39) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा है) द्वारा 5 का उपधारा (2) के अधीन छूट के लिए आवेदन लि है।

और केन्द्रीय सरकार का राज्य स, कर्मचारी नियम सेवा (पेश नियम, 1972 के अधीन, जो उपदान फायदे के संबंध में कर्मचारी राज्य बीमा नियम के स्थापन के संबंध में लागू हैं उक्त स्थापन के नियम कर्मचारियों को सदैव फायदा, उक्त कर्मचारियों को उससे नम भव नहीं है जो उक्त अधिनियम के अधीन प्रदान है।

प्रति: केन्द्रीय सरकार, उक्त अधिनियम का धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए, उक्त स्थापन के ऐसे कर्मचारियों को, जो केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के अर्थात् उपबन्धन के फायदे के लिए हकदार हैं, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख में, उक्त अधिनियम के उपबन्धनों के प्रवर्तन से छूट देता है।

[संख्या एम-70019/1/85-एस. एम. 14 (एम. एम. -2)]

ए. के. भट्टाराई, अवर सचिव

S.O. 2203.—Whereas the Employees' State Insurance Corporation, a body established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948) has applied for exemption under sub-section (2) of section 5 of the Payment of Gratuity Act, 1972 (39 of 1972) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government, the benefit of gratuity payable to the regular employees of the Employees' State Insurance Corporation under the Central Civil Service (Pension) Rules, 1972 as applicable to the employees of the said Corporation with respect to gratuity benefit are not less favourable to the said employees than those conferred under the said Act;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 5 of the said Act, the Central Government hereby exempts the employees of the said Corporation who are entitled to the benefit of gratuity under the Central Civil Service (Pension) Rules, 1972 from the operation of the provisions of the said Act from the date of publication of this notification in the official Gazette.

[No. S-70019/1/85-IV(SS. II)]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 10 अगस्त, 1987

का० प्र० 2203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार कुसुर्गार कोलिरी मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बन्ध में निम्नलिखित आदेशों के बीच, उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम संख्या 1, धनबाद के पचास को प्रकाशित करता है, जो केन्द्रीय सरकार को 3 अगस्त, 1987 का प्राप्त हुआ था।

New Delhi, the 10th August, 1987

S.O. 2204.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kessurghar Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 3rd August, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(c) of the Industrial Disputes Act, 1947

Reference No. 47 of 1983

PARTIES:

Employers in relation to the management of Kessurghar Colliery of Messrs. Bharat Coking Coal Ltd.

AND

Their Workmen.

PRESENT:

Shri S. K. Mitra, Presiding Officer.

APPEARANCES:

For the Employers: Shri R. B. Kidder, Personnel Manager, Block II Area.

For the Workmen: None.

STATE: Bihar.

INDUSTRY: Coal

Dhanbad, the 24th July, 1987

AWARD

The Central Government in the Ministry of Labour, has by Order No. L-20012(470)/82-D. III(A) dated, the 18th June, 1983, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Messrs. Bharat Coking Coal Limited, Barora Area in promoting Shri K. B. Saran to special grade vide order dated the 2nd February, 1980 superseding the senior most Grade-I Clerk Shri P. C. Roy, was justified. If not, to what relief is Shri P. C. Roy entitled?"

2. The case of the management of M/s. Bharat Coking Coal Ltd. is as follows.

It has been contended by the management that the General Secretary, Bharat Coking Coal Staff Co-ordination is not a representative union and as such it has no locus standi to raise any industrial dispute before any authority. Besides the General Secretary of the union has not been empowered either by the union's constitution or under any special resolution to raise the present dispute in favour of P. C. Roy against K. B. Saran both of whom are electrical staff of the company. Regard being had to the reference K. B. Saran is the person who is vitally interested in the present case but he was not made a party before the conciliation officer or has been made so before this Tribunal. Hence the reference is illegal and void. Clerical staff of the management consists chiefly of three tier system i.e. grade-III, grade-II and grade-I. For promotion from grade-III clerks to Grade-II seniority is counted collierywise whereas for promotion from Grade-II to Grade-I Clerks seniority is counted areawise. Besides there are special grade clerks who are considered to be specially qualified and possessing very good knowledge of jobs. The Wage Board Recommendations specify promotion of grade-I clerks to special grades on the basis of merit only. So far as the management is concerned promotion from grade-I to special grade clerks are done on the basis of seniority-cum-merit after the recommendations of the D.P.C. Promotion is the management's functions and a workman or any union on his behalf can claim for his promotion from one grade to next higher grade as a matter of right. Departmental Promotion Committee was constituted in the year 1980 to look into the cases of Grade-I clerks of Barora Area and to recommend suitable candidates for promotion to special grades on the basis of seniority-cum-merit in accordance with the norms of the promotion policy of the management. P. C. Roy, the concerned workman working in Grade-I from 17-10-71, he was a matriculate K. B. Saran was placed in Grade-I from 1-5-1973; he is a graduate. The D.P.C. allotted 5 marks for each year of seniority indicating thereby that amongst all the workmen of equal merits, the senior most will be selected. The CCRs were also taken into consideration and 3 marks were awarded for CCR for 'A' type whereas 2 marks were allotted for 'B' type. The marks allotted indicated that grade-I clerks having excellent CCRs will get more marks because of his merit than ordinary type CCRs. Some graded marks were also allotted to graduates. Thus the marks obtained on the basis of objective determinations formed to the basis of selection for promotion to special grade clerks. K. B. Saran secured better marks than P. C. Roy and so he was recommended for promotion to special grade clerk and was accordingly promoted as such. Prior to 1977 there was no rule for promotion and it was only in 1977 that the rules of promotion came into force. During the private management several workmen were not properly categorised according to job performed by them. Almost all the major unions demanded

that the cases of injustice done to the workmen by the private employer should be examined and that the workmen should be fixed in proper category and grades. K. B. Saran was of grade-II clerk although he was performing the duties of grade-I clerk under the private management. He was a graduate and a very competent person and considering these facts he was placed under grade-I clerk by the present management. In the circumstances it has been prayed by the management that the present reference be dismissed.

3. The union in its written statement has stated that Bharat Coking Coal Staff Co-ordination is a registered union as per Trade Union Act. This is the only representative union of the monthly rated employees right from colliery to the Headquarters. Almost all the clerical staff and other monthly rated employees are members of this union. Hence the contention of the management that the union is not a representative union is not sustainable. It is asserted by the union that the present dispute has been raised not against the workmen but against the action of the management who had adopted unfair labour practice and violated the promotion policy. Since the present dispute is against the management and not against K. B. Saran there is no reason for making K. B. Saran a party to the present dispute. The workman concerned was promoted to the post of grade-I in January, 1963. K. B. Saran was appointed in grade-II clerk with effect from 3-3-1973. He was promoted as Grade-I clerk on 1-5-73. Thus it is seen that K. B. Saran was promoted to grade-I clerk within two months from the date of his appointment. Sri Saran was appointed leading clerk but his cadre was changed in June, 1974. He was brought to Store Cadre without maintaining official procedure. It is alleged that the order of promotion issued in respect of Sri Saran is nothing but misuse of power and violation of promotion policy. The services rendered by the concerned workman have been appreciated by the erstwhile owner as well as management of M/s. B.C.C. Ltd. As per promotion policy of M/s. B.C.C. Ltd. promotion from Grade-I to Special Grade made on the basis of seniority-cum-suitability. The concerned workman was senior to Sri Saran in service and his suitability is also recognised by the management. Hence the concerned workman deserves promotion as per promotion policy of the company. The union has asserted that for promotion of Grade-I Clerk to Special Grade Clerk, seniority is counted right from Colliery to Area and promotion is based on seniority-cum-suitability, and suitability is not assessed on the basis of any test, but the same is assessed on the basis of performance of workman. The D.P.C. which was constituted by Barora Area in the year 1980 to recommend the cases of suitable candidates for promotion had shown favouritism in the matter of recommendation and so the present dispute has been raised.

4. The management has examined MW-1, S. N. Misra, Head Clerk of Personnel Department of Block-II Area of M/s. B.C.C. Ltd. and introduced in evidence a mass of documents which have been marked Exts. M-1 to M-4.

5. Admittedly both the concerned workman and K. B. Saran were working as Grade-I Clerks in Barora Area of M/s. B.C.C. Ltd. There is no dispute that the clerical cadre of M/s. B.C.C. Ltd. comprises of four tier system i.e. Clerk grade-III, Clerk grade-II, Clerk grade-I and Special Grade. The present dispute has been raised by the concerned workman through the union he belongs to i.e. Bharat Coking Coal Staff Co-ordination consequent upon promotion of K. B. Saran, his junior, to the post of Special Grade Clerk from the post of Grade-I Clerk.

6. The management has contended in its written statement that Bharat Coking Coal Staff Co-ordination is not a representative union and as such it has no locus standi to raise the present dispute. In order to combat the position the union has stated that it is a registered union and most of the clerical staff and monthly rated employees are members of the union. There is nothing in evidence on record to impinge on this position. That apart the management has not taken up this issue at the time of hearing. That being so I come to the conclusion that there is no substance in the contention of the management that Bharat Coking Coal Staff Co-ordination is not a representative union.

7. The next contention of the management in the written statement is that since the present dispute has been raised by

the concerned workman chiefly against another workman, K. B. Saran, the latter, should have been made a party and that the General Secretary of the union has not been authorised to raise such dispute by the concerned workman against his co-worker. But having regard to the terms of reference it cannot be said by any stretch of imagination that the grievance of the concerned workman is against his co-worker i.e. K. B. Saran, his grievance is against the management in not promoting him to the higher post although his junior K. B. Saran has been so promoted. This being so, the contention of the management that the General Secretary of the union was not authorised to raise this dispute of K. B. Saran should have been made a party to the present dispute is not sustainable. Admittedly K. B. Saran was placed as Grade-I Clerk from 1-5-1973. There is no dispute that he is a B.A. (hons.) while the concerned workman is only a matriculate. It has been asserted by the concerned workman that he was appointed clerk in January, 1963. The management has disputed this position and asserted that he was working as Grade-I Clerk from 17-10-1971. There is nothing on record to deny or dispute this position. Admittedly both the concerned workman and K. B. Saran were working in the Store Department and in 1980 the D. P. C. held its session for consideration of cases of store personnel for promotion to higher grade. It has been asserted by the management that promotion to a Special Grade from Grade-I clerk is made on the basis of seniority-cum-merit whereas the concerned workman has contended that it is made on the basis of seniority-cum-suitability. There is no evidence on record to justify the contention of the concerned workman. On the other hand MW-1, S. N. Misra, Head Clerk of the Personnel Department of Block-II Area of M/s. B. C. C. Ltd. has stated on oath before me that promotion to Grade-I or Special Grade from the post of Store Keeper Grade II is made on the basis of seniority-cum-merit. He has further stated that in 1980 the concerned workman held the post of Store Keeper Grade-I and his name was also on the list of promotion. He has also testified that since there was only one vacancy and since K. B. Saran held by the D. P. C. to be fit for the post of Special Grade Clerk, he was promoted and the name of the concerned workman was kept on panel. This position is also borne down from the photo copy of Office Order dated 2/13-2-1980 (Ext. M-1).

8. It is the case of the management that according to the norms for promotion the D. P. C. is to allot 5 marks for each year of seniority indicating thereby that amongst all workman of equal merits, the seniormost will be selected and that CCRs are also taken into consideration and 3 marks are allotted to CCRs of Grade-I type and 2 marks for CCRs of Grade-II type and that some graded marks are also allotted for educational qualifications and these considerations form the objective basis for selection for promotion to higher post. It appears that the D. P. C. has acted upon these norms (Ext. M-2) and placed K. B. Saran as No. 1 and the concerned workman as No. 3. It appears from the evidence of MW-1, S. N. Misra, that since there was only one post for Special Grade Clerk, K. B. Saran being the 1st man was promoted to that post and that the name of the concerned workman was kept on the panel. This is also buttressed by Office Order dated 2/13-2-80. It appears from the evidence of S. N. Misra that the concerned workman was promoted to the post of Special Grade Clerk in 1982. Office Order dated 18-2-1982 (Ext. M-3) bears out that the concerned workman was promoted to Special Grade Clerk with effect from the date of joining the post. It appears that the concerned workman has since retired from service with effect from 2-2-86 (Ext. M-4). This is also supported by evidence of S. N. Misra.

9. Thus I came to the position that the management of M/s. Bharat Coking Coal Ltd. has done no wrong and has not adopted any unfair labour practice in promoting K. B. Saran to the post of Special Grade Clerk superseding the concerned workman. That being so the action of the management of M/s. B. C. C. Ltd. in promoting K. B. Saran as Special Grade Clerk by Office Order dated 2-2-1980 superseding the concerned workman is justified. Hence an award is made accordingly. In the circumstances of the case the parties to bear their own costs.

S. K. MITRA, Presiding Officer
[No. 1- 20012/470/82-D. III(A)]

नई दिल्ली, 12 अगस्त 1987

का.अ. 2205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स वेस्टर्न कोल फ़िल्ड्स लिमिटेड को शिवपुरी कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 जुलाई, 1987 को प्राप्त हुआ था।

New Delhi, the 12th August, 1987

S.O. 2205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Shivpuri Colliery of M/s. Western Coal fields Limited, and their workmen, which was received by the Central Government on the 23rd July, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR

COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(43) of 1985

PARTIES :

Employers in relation to the management of Shivpuri Colliery of W.C.L., P.O. Sirgora, Via Parham, Distt. Chhindwara (MP) and their workman Shri Mastan Khan represented through The General Secretary, M. P. Koyala Khada Mazdoor Panchayat (HMS), P.O. Junnardeo, Distt. Chhindwara (MP).

APPEARANCES :

For Workmen—Shri G. N. Shah.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal. DISTT. CHHINDWARA (MP)

AWARD

Dated, July 14, 1987

By Notification No. L-22012(68)/84-D.V., dated the 4th June, 1986, the Central Government referred the following dispute for adjudication to this Tribunal. The Schedule to the order of reference is as under :—

SCHEDULE

“Whether the action of the management of Shivpuri Colliery of M/s. W.C.L. in terminating the services of Mastan Khan, Driver with effect from 11-6-84 is justified? If not, to what relief the workman is entitled?”

2. On receipt of the reference, parties filed pleadings and documents and after the issues were framed, the case was fixed for evidence and arguments.

3. On 17-9-86 parties prayed for adjournment on the ground that they are negotiating for a mutual settlement, therefore, the case was adjourned. On 13-4-87 parties filed settlement duly signed by Shri G. N. Shah on behalf of the workman and Shri C. L. Jaiswal for the management. Workman concerned has also endorsed on the settlement. The terms of the settlement as under :—

Terms of Settlement

(1) It is agreed by the management to re-instate Shri Mastankhan at Haranbhata mine in Pench Area. He shall report for duty to Manager, Haranbhata Mine within one month from the date of the settlement.

(2) The period of absence from the date of dismissal to the date of joining will be treated as dies-non.

(3) Shri Mastankhan will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of dismissal to the date of reinstatement.

(4) On re-instatement, Shri Mastankhan will be kept on probation for a period of one year during which period his performance and conduct will be closely watched. An assurance of good performance and conduct will be furnished by the workman in writing before joining the duties. If performance and/or conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory the management may consider to grant him continuity of service for the limited purpose of payment of gratuity.

(5) The Union/workman agreed to drop all other claims benefits in respect of the matter under dispute.

(6) This settlement settles the dispute fully and finally and it shall not be treated as precedent in any other case.

(7) The parties agree to file the compromise settlement before the Presiding Officer, CGIT, Jabalpur and request for an Award in terms of the settlement.

4. I have gone through the above settlement and I am of the opinion that the terms of settlement are just, fair and in the interest of the workman, therefore I record my award in terms of the above mentioned settlement.

No order as to costs.

V. S. YADAV, Presiding Officer.

[No. L-22012/68/84-D.V.]

का.अ. 2206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भिलाई स्टील प्लांट, को नन्दनी लाइमस्टोन माइन्स के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-87 को प्राप्त हुआ था।

S.O. 2206.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nandini Limestone Mines of Bhilai Steel Plant and their workmen, which was received by the Central Government on the 23rd July, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case Ref. No CGIT/LC(R)(25)/1986

PARTIES :

Employers in relation to the management of Nandini Limestone Mines of Bhilai Steel Plant, Bhilai, Distt. Durg (M.P.) and their workmen represented through the Metal Mines Workers Union, P.O. Nandini, Distt. Durg (M.P.).

APPEARANCES :

For Union—Shri S. K. Rao, Advocate.

For Management—Shri D. C. Henri, Asstt. Chief Law Officer.

INDUSTRY : Limestone Mine DISTRICT : Durg (MP)

AWARD

Dated, July 16, 1987

The Central Government vide Notification No. I-29011/3/84-D.III(B) Dated 29th March, 1985 referred the following dispute to this Tribunal, for adjudication:—

“Whether the management of Bhilai Steel Plant, SAIL, are justified in refusing to pay cycle allowance at the rate of Rs. 12 P.M. to the Blasting staff of their manual mines at Nandini when the same is being paid to such workers in their Mechanized Mines? If not, to what relief are the workmen concerned entitled?”

2. Facts of the case are that the management of Bhilai Steel Plant, Steel Authority India Limited, owns the Lime-tone Mines at Nandini, one is mechanised and the other is manual mine. As per Rules of the Company such of the workmen who are required to travel long distance in the course of their duties are allowed to draw cycle allowance now re-named as field movement allowance @Rs. 12 per month.

3. According to the management the same allowance is allowed on the following terms and conditions:—

- (i) That they have not been provided bicycle by the management;
- (ii) That they are actually maintaining their own cycles;
- (iii) That they utilised their cycle throughout the month for official work; and
- (iv) That they do not get the L.T.E.

4. Blasting staff of Nandini Mechanised Mines had to travel between 4-5 Kms. for performing their duties. Therefore they are paid the said allowance. But the Blasting staff in the manual mine are not required to travel beyond half Kms. because the mine itself is about 1/2 Kms.

5. The strength of Blasting staff of the manual mine is of 14 persons out of whom three are governed by L.T.E. and eleven are governed by transport subsidy. Therefore they are not eligible for the said allowance.

6. On the other hand, the plea of the Union is that the Blasting staff of Nandini manual mines are required to travel more than 8 Kms. which include Pithora, Nandini, Kundini and to the mechanised mines. Therefore the blasting staff of manual mines are paid incentive bonus at par with the mechanised mine. The blasting staff of manual mine fulfil all the conditions for the said allowance which they are being denied and discriminated.

7. As far the L.T.E. and Transport subsidy is concerned this is no relation to the said allowance. The same is being given to all on certain conditions.

8. In order to prove their case management has examined Shri A. N. Basik (M.W. 1) Asstt. Manager and have relied on circulars passed from time to time (admitted by the Union Ex. M/1 to Ex. M/3). Ex. M/3 being the latest circular dated 16th September, 1983 whereby the rate has been increased to Rs. 12 per month and the terms and conditions have been added i.e. the employees who are in receipt of local travelling allowance (L.T.E.) will not be entitled to the field movement allowance and those who are getting field movement allowance for journey if performed other duty within the township. It further says that this is issued in agreement with the representative unions and with the approval of the competent authority. Thus this has a binding effect on the management, workmen and their union.

9. As for the area of manual mine, workmen has relied on the Map (Ex. M/1) wherein the manual mine is shown by letters A to A. To my mind this does not help the cause of the workmen firstly because it does not give its area. Secondly this Map clearly goes to show that it is much smaller than the mechanised mine. Shri A. N. Basik has also stated that manual mine is nearly 700/150 Mtrs. approximately i.e. about 84 Acres. In his cross-examination he has

further stated that the mechanised mine blasting staff have to do heavy blasting while the manual mine blasting staff have to do ordinary blasting. He has been in this mine from July 1985 and the Union has neither adduced any evidence itself nor cross-examine this witness that the manual mine staff is also required to visit other mines. Thus is the absence of any evidence, this plea of the union also fails. On the other hand, management has proved its case and the rules. Rules quoted above are of binding nature. Therefore the workman cannot be allowed field move allowance contrary to the rules, specially when the pleading of the union goes to show that the blasting staff of the manual mines are getting L.T.E. and Transport Subsidy and the same has not been specifically denied. I, therefore, answer the reference as under:—

That the management of Bhilai Steel Plant, SAIL are justified in refusing to pay cycle allowance at the rate of Rs. 12 P.M. to the Blasting staff of their manual mines at Nandini. They are therefore not entitled to any relief. No order as to costs.

V. S. YADAV, Presiding Officer

[No. I-29011/53/84-D III(B)]

नई दिल्ली, 13 अगस्त, 1987

का. प्र. 2207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भिलाई स्टील प्लांट भिलाई (मध्य प्रदेश) के प्रबन्धसूचक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 23-7-87 को प्राप्त हुआ था।

New Delhi, the 13th August, 1987

S.O. 2207.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhilai Steel Plant Bhilai (M.P.) and their workmen, which was received by the Central Government on the 23rd July, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC(R)(76)/84 U/s. 10 I.D. Act

PARTIES:

Employers in relation to the management of Bhilai Steel Plant, Bhilai (M.P.)

AND

Their workmen through The President, Metal Mines Workers Union (INTUC), P.O. Dallirajhara, District Durg (M.P.).

APPEARANCES:

For Workmen—Shri P. D. Pathak, Advocate.

For Management—Shri D. C. Henri, Sr. Law Officer.

INDUSTRY : Iron Ore Mining. DISTRICT : Durg (M.P.)

AWARD

Dated : 13th July, 1987

“1. In exercise of its powers conferred by Clause 10(1)(d) of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute, for adjudication, vide Notification No. I-26011/1/84-D. III. B. dated 24th September, 1984 :—

“Whether the action of the management of Bhilai Steel Plant in increasing the workload of the Blasters of Dalli Mines, Jharnadalli Mines, Mahamaya Mines and Kokan Mines from 80 holes to 120 holes per 8 hour shift was justified? If not, to what relief are the workmen entitled and from what date.”

2. One of the management is that with the change of time and technology advanced in the field of blasting it was found by conducting an industrial engineering study that the blasters were very much under utilised. The Director of Mines who is the statutory and competent authority under the Metalliferous Mines Regulations framed under the Mines Act was apprised of this problem and permission was sought and he was pleased to accord permission of firing of 120 shots per blaster shift instead of 80 holes w.e.f. 9th December, 1980.

3. Thus there has been no increase to the workload on the Blasters and the management was justified in directing blasting of 120 holes for their proper utilisation.

4. The Union for the workman challenged the above order on the following ground :—

- (i) This is unfair without paying extra remuneration for the extra work.
- (ii) Norms that are in practice become a service condition and hence a change therein require a notice under Section 9-A of the I.D. Act.
- (iii) Management failed to provide basic necessities stipulated tools, safety appliances etc. even for 80 holes and exposed them to undue hazards.
- (iv) This amounts to subjecting the Blasters to more risk and danger and mental and physical pressure.
- (v) Looking to the statutory responsibility of Blasters this change is not justified.

5. It is, therefore, prayed that the order be withdrawn and they be given 1-1/2 times wages drawn during the entire period with costs.

6. Only points for consideration before this Tribunal are whether this increase of holes from 80 to 120 per 8 hours shift is justified and if not to what relief the workmen are entitled.

7. In support of their case management has examined their Dy. Manager, Drilling and Blasting Shri S. N. Chattopadhyaya, M.W. 1 and relied on the documents Ex. M-1 to M-4 proved by him, from the records. Ex. M-1 is the letter written by Agent, Mahamaya Mines and Ex. M-3 for Jharnadai Mines. Ex. M-2 and M-4 are the permission granted by the Director of Mines, Nagpur Region. In letter Ex. M-1 and M-3 study conducted by the Industrial Engineer of Mines was furnished which was based on two methods, one by firing 25x200 MM explosive cartridge by Trunk I-cord line and the other by Multi Shot Exploder with electrical detonators. Ex. M-3 further shows that both these instruments i.e. I-cord and Electric detonators are manufactured by Chemical Companies and for former plain detonators with safety fuse and for later multi shot exploder (approved type) are being used. In both these methods time schedule of 8 hours minute to minute is mentioned on the basis of the experiments. Shri S. N. Chattopadhyaya has also stated that as per records these recommendations were based on advanced technology of multi shot exploder instead of one shot exploder previously used. On account of this improved technology charging and stemming of one hole takes about 1 minute to maximum 1-1/2 minutes because the blaster is assisted by helper and the blasting material is supplied on the working site. Thus the increase in number of holes has not in any way increased the work load and the duty hours of the workman. Nothing is brought out in his cross-examination to discredit his testimony. He has given his statement on the basis of records therefore his being not posted there at the relevant time does not affect his testimony adversely.

8. On the other hand, on behalf of Union Shri Narayan Rao W.W. 1 a Blaster in Dalli Raihara has been examined. He has stated that to blast 120 holes they have to work extra time and they are not given overtime as before. Those who do not blast 120 holes they are charged of which the illustrations are Ex. 1 and W-2. Regarding this increase in work load they had applied to the management vide Ex. M-3 and W-4. In his cross-examination he has admitted that the holes are drilled by the driller and explosive are quantified by the explosive van and they are provided one helper. Their work is only to charge the holes with the blasting material and detonator and get it closed by the help of helper. There-

after they connect the holes in one locality by single electric shot and then fire it. Thereafter if any hole is not fired they re-fire it which takes about 5 minutes. He has also admitted that they are only working from 10.00 to 4.00 P.M. in weekly days. However he has stated that one hole takes 2 to 3 minutes. This cannot be true because he has admitted the position of working and use of electric shot used for entire firing of one locality as has been mentioned in Ex. M-1 and M-3.

9. This goes to show that it does not change the workload and the working condition on account of advanced technology. Time taken in the operation is reduced and more amount of work i.e. 120 holes instead of 80 are exploded within the same period.

10. Out of many documents filed by the Union only Ex. W-1 to W-4 are proved and relied on. The application Ex. W-3 dated 10th December, 1981 does not speak of the workload at all, it only says that the change involved greater risk and danger even to other lives. Nothing is brought on record to prove this fear. In any case Director of Mines has satisfied themselves about the safety measures before according the sanction Ex. M-2 and M-4.

11. Ex. W-4 dated 2nd January, 1982 simply speaks of less length of firing cables issued to them. It neither complains of over-burden, extra time consumed i.e. change in service conditions and greater risk involved.

12. Thus there is no legal evidence to prove any of the five grounds one, three to five mentioned by the Union in their pleadings. Therefore if vide Ex. W-1 and W-2 management insisted for firing 120 holes by the Blasters their complaint in this regard is not justified.

13. Notice under Sec. 9-A is only required to be given when the management proposes to effect any change in the service conditions and not when the management introduces advance technology to get more amount of work done in the same or less period not effecting the work load and working hours of the workers. This is the position in the instant case. Therefore the concerning order of increasing the holes from 80 to 120 per 8 hours shift is justified and workers are not entitled to any relief.

14. The reference is, therefore, answered that the action of the management of Bhilai Steel Plant in increasing the work load of Blasters of Dalli Mines, Jharnadai, Mahamaya Mines and Kokon Mines from 80 holes to 120 holes per 8 hours shift is justified. Therefore the workmen are not entitled to any relief.

15. There is no order as to costs.

V. S. YADAV, Presiding Officer

[No. L-26011/1/84-D.III(B)]

का.घा. 2207—प्रौद्योगिक विचार अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रीय सरकार, भारत सोल्ड स्टॉक लिमिटेड के पत्रपत्रों में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वये में निम्नलिखित प्रौद्योगिक विचार में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, बंगलूर के पचास को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-87 को प्राप्त हुआ था।

S.O. 2208.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Limited and their workmen, which was received by the Central Government on the 29th July, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT AT BANGALORE

ADDITIONAL ISSUES

Dated this 20th day of July, 1987

PRESENT :

Sri B. N. Lalgé, B.A. (Hon.) LL.B.,—Presiding Officer.

CENTRAL REFERENCE No. 12/87

(Old No. CR 1/84)

Sri K. Sharmugam, S/o K. Krishnan
Penangapani Compound, IV Cross Road,
Robertsonpet, K.G.F.-563210.

II Party

V/s

II Party

The Chairman-cum-Managing Director,
Bharat Gold Mines Ltd., Corgaum,
K.G.F.-563120.

APPEARANCES :

For the I Party—Sri M. C. Naresimhan, Advocate.

For the II Party—Sri K. J. Setty.

AWARD

By Order No. L-43012/2/82-D.III(B) Dated 5th October 1983.

THE GOVERNMENT OF INDIA

made the present reference on the following point of dispute.

SCHEDULE

"Is the management of Bharat Gold Mines Limited justified in dismissing Shri K. Shanmugam, Craftsman Assistant, with effect from 21-4-1980? If not, to what relief the said workmen is entitled".

There-upon the first party workman has filed his claim statement and his contentions in brief are as follows.

1. The second party was not justified in terminating the services of the first party workman. The first party had joined the second party as a craftsman in 1975-76. It was alleged that he was habitually absent. The first party workman was cross-examined and this was against the procedure as per the standing Orders. His father was ill and he was attending on his father and the circumstances were beyond his control. He did not admit that he was habitually absent. The enquiry officer did not explain to him about his rights. The findings are perverse. Due to various reasons he could not send any reply to the Second show cause notice. No proper enquiry was held against him. The order of termination may be set aside and consequent reliefs may be given.

2. The second party management has filed its statements of objections and it is in brief as follows.

The first party joined in 1975. He used to be habitually absent in spite of warning and suspension. His absence has dislocated the work of the company. He was served the show cause notice dt. 11-2-80. He was charged under Standing Order No. 15(b) and No. 30. Adequate opportunity was given to him. Principles of natural justice were followed. The reasons for his absence were not convincing. The enquiry proceedings were translated to him in Tamil and after understanding the same he has put his signatures. Taking into account his past history and the findings evidence of the enquiry officer order of termination was passed.

3. The order of the termination is in accordance with law. The reference may be rejected. In addition to the point of reference, the following issues were raised

1. Whether the Domestic Enquiry held was in accordance with law?

2. What order?

4. The first additional issue was taken up as a preliminary issue. On recording the evidence and hearing the parties, this tribunal upheld the validity of the domestic enquiry by an Order dated 23-1-87.

5. Thereupon the matter came up for further evidence and arguments on the point of reference and Additional Issue No. 2.

6. Subsequent to the recording of findings of Additional Issue No. 1, no oral or documentary evidence has been produced by the parties. Both the side have advanced their arguments.

7. My finding on the point of reference and Additional Issue No. 2 are that the order of dismissal is valid and that the workmen is not entitled to any relief.

REASONS

1. The point for my consideration would be whether the findings of the enquiry officer are perverse. In the findings recorded by him he has stated that the first party workman had accepted the charge put to him and in addition to his admission, the enquiry officer had himself examined the attendance record and on the said basis he found him guilty.

2. The enquiry officer further states that the workman had tism without leave and he had remained absent from work years on similar charges.

3. Ex—M 1 is the show cause notice issued to him. It shows that he was charged with misconduct of habitual absenteeism without leave and he had remained absent from work from 1st January to 3rd January, 1980, 9th January to 17th January 1980, 19th January to 29th January 1980 and without permission.

4. Ex—M 3 is the attendance chart.

5. Ex—M 2 is the statement of the first party workmen recorded by the enquiry officer. It shows that the enquiry officer questioned him on the point whether he had received the show cause notice and whether he had understood the same. For these questions the workman has replied that he was accepting the charges made against him. When he was questioned whether he had anything else to say, he has stated that he had nothing to say. When he was further questioned about the show cause notice issued to him earlier, he has stated that twice on the previous occasions he had been punished with suspension for Six days each time, and his explanation was that on account of family troubles he was absent. I do not find that there is any force in the contention of the workman that he has been cross examined by the enquiry officer. The enquiry officer has only giving him opportunity to explain about the charge of habitual absenteeism.

6. The first party workman has not put forth even before this tribunal any document to show that his father was ill.

7. Ex—M5 is the second show cause notice issued to him. The workman has not established the reason as to why he did not respond to the second show cause notice. I have nothing on record to suggest that the findings of the enquiry officer are perverse.

In my view there is no reason as to why the findings of enquiry officer should not be accepted.

8. The learned counsel for the first party contended that habitual absence means to remain habitually absent throughout the service and the allegation that he had remained absent for some days in January 1980 cannot be called as habitual absenteeism.

9. The enquiry proceedings on the documents produced before me such as Ex—M1, Ex—M2, Ex—M3 makes out

very clear that throughout his services he was absent and not only on earlier two occasions but also on the dates shown in the charge sheet. It is admitted by him that punishment of suspension was imposed on him from such absence twice before the present show-cause notice was issued and now by Ex. M1 it had been made out that he was absent on 4 occasions in January 1980 itself.

10. Standing Order Clause No. 15(b)(i) deals with the misconduct of absence without permission. Clause No. 30 deals with habitual absence without leave.

In my opinion the record has established that the workman was guilty of remaining absent without permission and remaining habitually absent without leave.

The learned counsel for the first party contended that in the show cause notice past record has not been shown and therefore he cannot be punished for habitual absence. The show cause notice Ex—M1 shows that in January itself he had remained absent on 4 sets of dates. Remaining absence on 4 set of different days in one month itself constitutes habitual absenteeism. I do not find any force in the said contention. The learned counsel for the first party then contended that the provisions of Standing Order Clause No. 16(a) have not been complied with inasmuch as the manager has not taken into account the previous record and the order of dismissal cannot be sustained.

The memo of the manager Ex—M7 discloses that from the enquiry papers and the proceedings of the second show-cause notice, he arrived at the conclusion that it was a fit case to impose the punishment of dismissal. The enquiry proceedings themselves constituted the previous record and I do not find that there is any violation of Standing Order No. 16(a). The learned counsel for the second party referred to the authorities shown below.

1. (1959) (1) LLJ

Burn & Co., Ltd.

and

Their workmen and Others

2. (1963)(1) LLJ

Rabindranath Sen and Others

and

First Industrial Tribunal, West Bengal, and others

He further contended that in view of these authorities the punishment of dismissal may be found to be justifiable. On going through the authorities I am of the view that it is not a case, wherein this tribunal can interfere with the punishment of dismissal.

Looking from many angle I do not find any merit raised by the workmen. In the result an award has passed to the effect that the reference stands rejected.

Dictated to the secretary taken down by him and corrected by me

B. N. LALGE, Presiding Officer
[No. L-43012/2/82-D-III(B)]

का.प्र. 2209 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विश्वेश्वरय्या आयरन और स्टील लिमिटेड, भद्रावली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-87 को प्राप्त हुआ था।

S.O. 2209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visvesvaraya Iron and Steel Limited Bhadravathi and their workmen, which was received by the Central Government on the 29th July, 1987.

741 GI/87—5

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BANGALORE

Dated this the 20th Day of July, 1987

PRESENT :

Shri B. N. Lalge, B.A. (Hon.) LL.B., Presiding Officer
Central Reference No. 19/87 (Old No. 18/84)

I Party :

The General Secretary,
MISL Mines Employees
Association,
Bilikellabetta Mines
Junction Post
(Via) B.R. Project,
Shimoga (Karnataka)

Vs.

II Party :

- (a) The General Manager and Agent, Bilikellabetta Quartz Mines, Visvesvaraya Iron and Steel Limited, Bhadravathi (Karnataka).
- (b) Shri T. Puttaiah, Contractor, Bilikellabetta Quartz Mines, Bilikellabetta Mines Junction Post, (Via) Project, Shimoga (Karnataka).
- (c) Shri Chennakeshava, Contractor, Bilikellabetta Mine Junction Post (Via) B. R. Project, Shimoga (Karnataka).

APPEARANCES :

For the I Party—Sri M. Selvarajan, General Secretary.

For the II Party—Sri B. C. Prabhakar, Advocate.

AWARD

The Government of India by its Order No. L-26011(7)/83-D.III (B) dated 16-6-84 made the present reference on the following points of dispute.

POINTS OF DISPUTE

"Whether retrenchment of 185 workmen, mentioned in the Annexure, of Bilikellabetta Quartz Mines by the management of Visvesvaraya Iron and Steel Limited, Bhadravathi and their Contractors Sarvasri T. Puttaiah and Chennakeshava, with effect from 1-4-83, is legal and justified? If not, to what relief are the workman concerned entitled?"

ANNEXURE

Sl No.	B.F. No	Name of the workman
1.	401	Bomarayee
2.	504	Thammaiah
3.	408	Girijamma
4.	409	Chinaswamy
5.	410	Tathamma
6.	417	Muthamma
7.	701	Doraismany
8.	514	Channappa
9.	422	K. M. Ramaswamy
10.	423	Jayamma
11.	215	Ramaswamy
12.	318	Mari Muthu
13.	526	M. R. Krishna
14.	732	Siddappa
15.	733	Siddanna
16.	330	Muniyamma
17.	702	Mari Muthu
18.	109	Hanumanaik
19.	738	M. Munisamy
20.	209	Kasy
21.	110	Shivamma
22.	431	Chinnappa

23.	103	Parvathamma	91.	1005	Eragowda
24.	104	Hanumanthamma	92.	852	Chinnappa
25.	205	T. C. Shankar	93.	1035	Chinnasamy
26.	206	Velaidan	94.	1036	Laxmi
27.	111	Yerrappa	95.	1038	G. Kaveriyamma
28.	114	Balinaik	96.	1039	S. Kaveriyamma
29.	115	R. Ramalibhai	97.	1040	Chinnappannu
30.	718	Kolandai	98.	1013	Thippesamy
31.	725	Chinnamada	99.	1024	Venkatappa
32.	722	Kandayee	100.	1026	Gangappa
33.	151	Eoraiah	101.	1034	Siddamma
34.	806	Amase	102.	1037	S. Chowdaiah
35.	818	Ramaswamy	103.	1051	Goveramma
36.	819	Sundramma	104.	22	Gopal
37.	802	Chinnarama	105.	872	Muniyamma
38.	803	Raniyamma	106.	1066	Mariyappa
39.	815	Solamma	107.	1073	Puttamma
40.	329	Veerasamy	108.	1074	Annamma
41.	910	Eswarappa	109.	1077	P. Jayanna
42.	546	Rathnamma	110.	1069	Laxmana
43.	515	Rudrappa	111.	1056	Ningamma
44.	741	Kuppamma	112.	1076	Siddamma
45.	917	Jayamma	113.	1078	Laxmana
46.	1175	Jayamma (T.C.)	114.	1097	Muniyamma
47.	847	Mokkamma	115.	1093	Boragowda
48.	747	Ranamma	116.	1094	Mahalingagowda
49.	350	Mohd. Ibrahim	117.	1108	Nanjamma
50.	152	Muniswamy	118.	1110	Ningamma
51.	355	Nagamma	119.	1111	Pappanna
52.	354	S. Baluh	120.	1113	Sannogowda
53.	259	C. Laxmana	121.	1114	Puttamma
54.	970	Perumal	122.	1115	Nanjaiah
55.	967	Ponuswamy	123.	1116	Battamma
56.	968	Sakkan	124.	1118	Siddasetty
57.	853	Sundramma	125.	1119	Chowdamma
58.	162	Siddappa	126.	1120	Kempaiah
59.	163	Siddamma	127.	1121	Doddathayee
60.	166	Manjappa	128.	1123	Shivalinge
61.	451	Bangaramma	129.	1134	Pattamma
62.	545	O. Muniswamy	130.	1135	Elumalai
63.	859	Palaniyamma	131.	1143	Rangasamy
64.	863	Janakibai	132.	1146	S. Venkatan
65.	452	Chinnamma	133.	1160	Sannappa
66.	453	Govindraj	134.	27	Marsetty
67.	458	Akkamma	135.	1181	Visalakshi
68.	456	S. Manumantha	136.	1182	Yerrappa
69.	457	S. Rama	137.	1183	Kariyamma
70.	868	C. Durumugam	138.	1184	Chandrappa
71.	869	Chandramma	139.	1192	Valli
72.	176	Kampamma	140.	1193	G. Vasudevan
73.	267	Doddarama	141.	1187	Visalakshmi
74.	270	M. Singaram	142.	1189	Chikku
75.	366	Anna Malai	143.	1190	Ningamma
76.	16	Pedanna	144.	1195	Bhagyamma
77.	31	Ramanaik	145.	268	Suleramany
78.	32	Gangamma	146.	1202	D. Siddaiah
79.	32	Laxmi	147.	1203	Gowramma
80.	6	C. Nagadevan	148.	1204	Rangasamy
81.	8	Mohan	149.	749	Muniyamma
82.	10	Perumal	150.	866	Chidambara
83.	846	P. Parvathi	151.	1105	Madamma
84.	14	Chinnathayee	152.	1207	Siddasetty
85.	15	T. Kannan	153.	1209	Puttachandramma
86.	23	S. Munisamy	154.		Muddaiah
87.	26	Kumar	155.	1213	Nanjaiah
88.	35	Savithri	156.	1219	T. K. Prasad
89.	43	Karuppan	157.	1235	Bommarayagowda
90.	988	Dasthagirisab	158.	1237	Marigowda
			159.	1038	Nanjappa

1	2	3
160.	1210	Rachamma
161.	1223	R. S. Maheshwaraiiah
162.	1224	Manja
163.	1227	Kariyappa
164.	1229	Kadaiah
165.	1230	P. Ranga
166.	416	P. Maya
167.	1234	Jayalakshmi
168.	1240	N. Boregowda
169.	1241	Kullegowda
170.	1243	Boregowda
171.	1244	Kodrgowda
172.	1245	Ninga
173.	1248	Savaregowda
174.	1249	T. Thummaiah
175.	1253	Bomniappa
176.	1255	Kempaniah
177.	1267	Thimmaiah
178.	1268	D. Krishna
179.	1273	Rudramma
180.	1274	Chellakanna
181.	1277	C. Nanjundaiiah
182.	1279	Chikkajavaraiiah
183.	1280	Mottaiiah
184.	1281	Ningegowda
185.	1282	Hussainsab

The General Secretary of the M.S.I.L. Mines Employees Association has then filed the claim statement of the I Party

In brief it reads as follows :

Visweswaraiiah Iron and Steel Limited (V.I.S.L.) is a registered Company. It has taken some mines on lease basis. Puttaiah and Sri Channakeshava are the contractors to do tract work in the mines from these 185 workers. They are paid Rs. 4 for a male worker and Rs. 3 for a female worker per day from 1975 till 31st March, 1982. The Mines Employees Association had raised a dispute for higher wages. It was referred to the Industrial Tribunal as Reference No. 9/74. The I Party and The General Manager of V.I.S.L.

Party (a) Compromised the matter and the wages were increased, Management paid stationary benefits also. Under the Mines Act registers were maintained in Form A, B, D, C and H. The V.I.S.L. has also provided canteen to children, anteen, Rent free Quarters, Hospital facilities and fair price shops. They have also maintained statutory Registers under the Mines Act. In reference No. 6/71 a Compromise petition had been filed by themselves and Party No. II (a) V.I.S.L. prior to the retrenchment or closure of the Mines V.I.S.L. did not issue any notice, they have victimised the workmen.

Party (b) and (c) have issued notice to each workman on 24th February, 1983, stating that their contract period is due to expire on 31st March, 1983 and advice the workers to seek Employment Elsewhere w.e.f. 1st April, 1983. The notices issued by the Contractors is not valid. The I Party sued notices to the II Party (a), (b) and (c). The matter was admitted for conciliation in March 1983. The Assistant Labour Commissioner Mangalore had sent notices to the I Party and had asked to maintain the Status-Que, but they stopped work from 1st April, 1983. The management stated that they had closed the mines temporarily for 1 or 1-1/2 years. Provisions of Section 25F and 25(o) have been violated. No Compensation was paid to them prior to 1st April, 1983. On 7th April, 1983 the Cashiers of V.I.S.L. had brought the amount for disbursement, it is contrary to Law. When conciliation was pending, a sum of Rs. 300 was paid to each worker as advance on 3rd November, 1983, the management had issued a notice to terminate the award of reference No. 9/74 Retrenchment is illegal they pray that they may be re-instated with full back wages.

Party No. 2 (a) V.I.S.L. has filed its Counter Statement and in brief it reads as follows :

V.I.S.L. is a registered Company. It manufactures Iron and Steel Products. It has taken some mines on lease from the late Government Bilikallabetta Mine, (hence for the called B. B. Mines) is one of them. For Mining Operations Con-

tractors were engaged for specific periods. In turn they engage Labourers. These workers are not engaged by the V.I.S.L., there is no Employer and Employee relationship between themselves and Contract Labourers. Sri T. Puttaiah and Sri Channakeshava were the Contractors of the Mine and they had engaged about 185 Labourers, the Contract was of 2 years due to 85 per cent power cut for considerable time the ferro silicon plant of Bhadravathi was shut down thus resulting into huge piling of the Quartz. The matter was reviewed by the V.I.S.L. Management and after careful consideration it was decided to close down the Mining Operations of B. B. Mines, though the Management had the right to terminate the contract by giving 15 days notice even during the contract period, the closure came into effect at the end of contract period 31-3-83. The I Party has no locus standi to raise the dispute there is no dispute between themselves and its workman. The management had accepted to deduct certain amount from the bills of the contractors every month and pay a certain part of wages payable by the contractors directly to the workers. It was so agreed in order to safeguard the interest of contract workers because of statutory obligation imposed on the principle employer U/s 21 of the (Contract Labour Regulation and Abolition) Act, 1970 a small portion of monthly bills of the contractor was withheld and kept as deposits. If the contractors were to discharge their obligations the same was refunded to them. They had no control over the working of the contract workers. Every year the tenders were being called for mining operations. They use to be the local people. They used to take instructions from the officials of the Company regarding technical aspects. The responsibility of the employing the workers supervision and control of their work and taking of disciplinary action vested with the contractors. Financial difficulty of the Company added to the 85 per cent powercut and therefore the ferro silicon plant had to be closed. Even if the said plant is to start again there is sufficient stocks of Quartz for two years. The Contract was therefore not renewed after 31st March, 1983. The said contractors had given notice to these workers on 24th February, 1983 about the expiry of the contract on 31st March, 1983. They had no ready cash and they requested the Management to pay retrenchment compensation and adjust the amount from the bills. The V.I.S.L. therefore agreed to pay the retrenchment compensation at Labour Contract system exists in most of the Steel Companies. V.I.S.L. was not liable to pay any retrenchment compensation at the request of the contractors. The mines Manager had put up a notice that retrenchment compensation had been arranged and it will be paid on 2nd April, 1983. The contractors were responsible to issue notice in Form P as per Section 25F (c) of the I.D. Act. The Management of the V.I.S.L. had obtained the registration certificates from the Registering Officer and the 2 contractors had obtained licences in respect of their Establishment. Neither the first (I) Party nor the workers even challenged about the said facts. It is not a case of mere retrenchment but a case of closure after termination of contract. The closure is real and bona fide. 180 workers have received retrenchment compensation the remaining 5 have also expressed their willingness to receive the same. The dispute may be deemed to have lapsed by virtue of the compromise award in reference No. 9/74. The dispute between them regarding alleged employer and employee relationship came to an end. In reference No. 9/79 the contractors was Abdul Jalleel, and when the dispute was pending the contractors Puttaiah and Channakeshava compromised the matters. The enhanced wage was paid by the V.I.S.L. on behalf of contractors. The Management deducted from the bills to be paid to the contractors certain amount so as to pay part of wages and certain other benefits such as gratuity P.F. Maternity benefit and workmens compensation. The registers were maintained in the name of the contractors. The welfare amenities were provided by the V.I.S.L. in its Capacity as a Principle Employer. The award passed in reference No. 6/71 is not relevant. Since the contractors had issued notices, there was no question of V.I.S.L. issuing any notice. The provisions of Section 25F and 25O are not attracted as regards V.I.S.L. the management agree to direct the contractor to pay Rs. 300/- as advance. The notice to terminate the agreement of reference No. 9/74 is within its power. The Termination made by the contractors is legal.

The contractors shown as party No. 2(b) and 2(c) have not filed any counter statement, Party No. 2(c) Channakeshava has filed an Affidavit dated 24-9-86. There is no verification and it has not been accepted as a pleading.

In addition to the point of dispute shown in the order of reference, the following additional issues have been raised :

ADDITIONAL ISSUES

1. Whether the II (a) Party proves that there is no master & servant relationship between these workmen with V.I.S.L. and thereby this dispute is not maintainable against them ?
2. Whether II (b) and (c) Parties prove that due to closure of the mines the above workmen have been retrenched in accordance with the I. D. Act ?
3. Whether the I Party proves that there is violation of Sections 25(F) and 25(O) of the Act ?
4. What Order ?

Party No. 2(a) V.I.S.L. has examined one witness and got marked as exhibits M1 to M15. The I Party workmen have examined 5 witnesses and have got marked as Exhibits W-1 to W-44. Parties have been heard.

My finding on the point of dispute and issues are as follows :—

Additional Issue No. 1—No

Additional Issue No. 2—No

Additional Issue No. 3—Yes

Additional Issue No. 4—as per order shown below :

POINTS OF REFERENCE

The retrenchment is not legal and the workmen are entitled to the relief shown below.

REASONS

The I Party workmen have contended that these workers have put in a service of several years in V.I.S.L. and they are the workmen of the V.I.S.L. In order to substantiate their case they have examined 5 witnesses and they have produced Number of documents. WW1 Kannan has sworn that he was in the V.I.S.L. for 15 years. WW2 Eregowda and WW3 Armugam swear that they were working in the V.I.S.L. for the last 13 years. WW4 Erappa states that he was in their service for 20 years. WW1 Kannan has produced his token Ex. W7 and his pay covers at Exhibits W8, W9 and W10. WW3 Armugam has produced a memo Ex. W23, and it shows that the V.I.S.L. paid him accident compensation in 1981. Ex. W-23 however states that the compensation was paid by the V.I.S.L. and 2 contractors in the ratio of wages paid by them. WW4 Muniswamy has produced his token Ex. W29 and his Identity Card Ex. W30. The oral Evidence of WW1 to WW5 is on the point that their names are recorded in the registers and documents of V.I.S.L. and they are the workmen of the V.I.S.L. notwithstanding the fact that they are called as contract workers. It is worth noting that there is not even a suggestion to these workmen that they have not put in the said respective period of service in the B.B. Mines of V.I.S.L.

The oral evidence produced by the Management is that of MW1 Narasimhan Mines Manager. He has stated that the supply of labour force for the purpose of mining operation was the look out of the contractor. He intends to derive force to his evidence by the tender notice Ex. M-1 and contractors Memo Ex. M-2, the nature of work shown in Ex. M-1 is Mining breaking, sorting and loading of Quartz. The memo Ex. M-2 discloses that the said contract was given to Shri Pottaiiah and Sri Chennakeshava for 2 years w.e.f. 1-9-78. It is the case of the management that amounts from the bills of the contractors were withheld to a certain extent so as to ensure for the various provisions and facilities to be given to the workers by the owners of the Mines and that said fact does not show that the workers were not the employees of the contractors. The said contention requires to be examined in depth and not with reference to the oral evidence of MW-1 alone.

Ex. M-3 is a statement signed by the Mine Manager V.I.S.L. and it shows about the retrenchment compensation paid to the workmen. It however states that compensation was paid to contract Employees. The amount of compensation paid varies between Rs. 500 and Rs. 1408. The magnitude of the compensation paid to each worker supports the oral evidence produced by the workmen on the point that many of them have put in service of more than 10 years. There is neither any specific pleading nor any clinching evidence of the V.I.S.L. as to when the B.B. Mines are taken on lease from the State Government and as to who was the 1st employer of the each workmen. If each workmen has been employed by an Independent Contractor and then is made to work for the V.I.S.L., it would be different question but the case of the 1st Party workmen is that they have been the workmen of the V.I.S.L. and that the existence of Contracts of Shri Pottaiiah Chennakeshava are of no consequence. Ex. M13 is a Xerox Copy of Gazette of India dated 5-6-76. It contains the awards passed in Reference Nos. 8/74 and 9/74. Both the matters were concluded by virtue of a compromise between the parties. The Learned Counsel for the IInd Party strongly contended that the V.I.S.L. had denied Employer-Employee relationship and that the said matter has been concluded by the 2 awards. Clause 3 of the Compromise Petition stated that the workmen did not press any other issue involved in the dispute referred for adjudication whether there was Employer-Employee relationship was not a direct and substantial issue referred for adjudication, the dispute referred was whether the management and the then contractor Sri Abdul Jallel were justified in paying Rs. 4 per male and Rs. 3 per female per day as wages. It cannot be therefore said that these 2 awards prevent the workmen from contending that they are the workmen of V.I.S.L. I am of the view that if the V.I.S.L. had to intervene in the dispute only to the extent of securing and safeguarding the various statutory benefits to the workmen, the nature of compromise petition would not have been the same as we find in these 2 awards. The documents at Exhibits M-4 and M-6 relate to the conciliation proceedings before the Assistant Labour Commissioner, Mangalore. They do not advance the case of the IInd Party. Ex. M-5 is the Circular dated 2-4-83 and it shows that the Mines Manager remitted back the amount to the company, since the workers refused to receive the Compensation on 2-4-83. Ex. M-7 is a Copy of the minutes of discussion held between the parties on 4-5-83. Ex. M-8 is a Circular dated 13-5-83, whereby the management agreed to employ one person from a family in Thanige Bail area, these documents support the case of the workmen on the point that their case even before the Labour Authorities was that they are the employees of the V.I.S.L. Ex. M-9 is a copy of the letter sent by the V.I.S.L. to the Government of Karnataka. The points raised by the management are similar to those put forth in the counter statement. Ex. M-10 is a document whereby the parties agreed that each workmen shall be paid an advance of Rs. 300 without prejudice to his case. Ex. M-11 is a copy of the reply sent by the V.I.S.L. to the Regional Labour Commissioner.

Ex. M 12 is a memo whereby the V.I.S.L. agreed to pay the retrenchment compensation in proportion to the wages that they were paying. From Ex. M-12 a reference arises that the V.I.S.L. had been paying some portion of wages to the workers. These documents thus substantiate the case of the workmen. Ex. M 14. Ex. M 15 are the Xerox Copy of the notices put up by the contractors to the effect that after 31-3-83 it will not be possible for them to provide any work because the contracts will expire on that day. Ex. W 35 is a similar notice produced by the workmen in that behalf, these documents will not prove that all these workmen had not been employed by V.I.S.L. The contractors have no material with them to show that these workmen are their employees and not the workmen of V.I.S.L. From these documents at Ex. M-1 to M-15 it cannot be said that these workmen were not the workmen of V.I.S.L.

Ex. W 1 is a memo dated 7-4-79 where by the V.I.S.L. had permitted the contractors to increase the labour strength by 30 employees. Ex. W 1 thus indicates that the supervision and control of labour strength vested with the V.I.S.L. Ex. W 2 dated 5-4-79 is an order where by the management appointed an enquiry officer to hold an enquiry against the worker by name G. H. Thimmaiah for the alleged misconduct of abusing and assaulting S. Narasimhan mines manager. The documents further substantiates the case of the 1st Party that the workmen though called as contract labourers were under the supervision and control of the V.I.S.L. Ex. W 3 is an acknowledgement for Rs. 9.25 Paise and it shows that contractor Sri Chennakeshava has paid the same as wages for March 1983. The workmen have been produced documents such as Ex. W 4, W 31, W 32 and W 33 to show that some of the workers were putting up in the rent free quarter in the V.I.S.L. and that after the said date of retrenchment. The management of V.I.S.L. took steps to evict them. There is no dispute on the point that the V.I.S.L. has provided some quarters to some of the persons in the area of B.B. Mines if ever they are the exclusive workers of the contractors. It cannot be expected that the management would have provided rent free Quarters. Ex. W 5 to W 11 are the identity cards, taken and paycovers they indicate that it was the V.I.S.L. which was giving pay covers to the workers. The learned Counsel for the 1st Party contended that Identity Cards are provided as per the Mines Act and that they do not rule out the fact that they are the contract workers, nothing prevented the management to issue identity card, showing that these persons are the workers of the contractors. The identity cards at Ex. W 6 (Series) show that Sri Eswarappa, Armugam and Perumal were the workmen of the V.I.S.L. in the years 1976 and 1977 the pay covers at Ex. W 8 to W 11 are for the years 1980 and 1983. They are of persons having badge No. 1267 and 869, these documents belie the contention of the management that they are the workers of the contractors. The documents at Ex. W 12 to W 14 evidence that there was an agreement between contract labourers and management as long back as 27-3-76 and the management increased their wages. The management has agreed to pay the increased wages directly. Ex. W 14 is a memo dated 6-10-75 where by working norms were fixed for the labourers. The document against supports the contention of the workmen that the control and Supervision vested in the V.I.S.L. Ex. W 15 is the order of the Government of India under which the award passed by the Industrial Tribunal, Bangalore in reference No. 9/74 was published. Ex. W 6 dated 23-6-78 is a memo under which the wages were increased by virtue of the said compromise. Ex. W 17 and W 18 indicates that advance and bonus were also paid to the contract employees. Ex. W 19 is a copy of the compromise petition filed in R.C. No. 9/74 the documents at Ex. W 15 to W 19 reinforce the contention of the workmen that for all purpose they are the employees of the V.I.S.L. including Festival Advance and bonus. Ex. W 2 is a copy of letter issued by the Assistant Labour Commissioner to the management on 23-3-83 and the management had requested to maintain the status quo. The document shows that the workmen by their conduct protected the action of the Management. Ex. W 1 is a memo where by a sum of Rs. 2.50 lakhs was sanctioned towards retrenchment compensation and other benefits to be paid to the workers, since the contracts of Sri Puttaiah and Sri Chennakeshava had come to an end on 31-3-83. It is stated that the compensation will be paid on or before 2-4-83. Not a single document has been produced by the management to show that these amounts were paid at the request of contractors, or that these amounts have been deducted from the bill payable to the contractors. In my view Ex. W 21 clearly indicates that the V.I.S.L. squarely admitted that they are its workmen. Ex. W 22 relates to the advance of Rs. 300 Ex. W 23 is an important document and it shows that accident compensation had been paid to the contract employees of Bilikalbetta Quarries Mines in the ratio of the wages paid by them. The payment of wages by the V.I.S.L. leads to an inference that they were the workmen of the V.I.S.L., irrespective of the fact whether only a portion of the wages was paid by them. Ex. W 24 to W 26 are the documents to show that one A. Gunden Contract labourer met with an accident and

died and compensation was paid by the V.I.S.L. to his heirs, the management thus cannot escape the conclusion that these workers were all treated for all the purpose as the workmen of the V.I.S.L., irrespective of the fact that they were called as contract workers. Ex. W 27 and W 28 are to the effect that when one V. P. Nagaraj of B. B. Mines retired, the V.I.S.L. paid the terminal benefits. The token and the Identity Card at Ex. W 29 and W 30 correlate the evidence of WW 4 Erappa and establish the fact that he has been the workmen of V.I.S.L. the management admits that it has issued a notice of termination of award passed in R.C. No. 6/74, 8/74 and 9/74. The conduct of the V.I.S.L. in issuing the said notice implies that it did feel that it has its own burden in regard to these workmen under these awards. Ex. W 36 is an affidavit filed by Sri Chennakeshava in my view it cannot be taken into account. Ex. W 37 is a letter by Sri Chennakeshava to the V.I.S.L. he has contended that he is only a piece work contractor. Ex. W 38 is a similar letter by contractor Sri Puttaiah. Ex. W 39 is another letter by Sri Chennakeshava. In the absence of pleadings or their evidence from the witness box these copies of letters of Sri Puttaiah and Sri Chennakeshava cannot be used against the Management. Ex. W 40 is a memo issued to Chennakeshava, who settled the dues of one Gangappa. The memo indicates that the V.I.S.L. admits its primary responsibility. Ex. W 41 show that WW 3 Armugam had been paid accident compensation due to him. If at all WW 3 Armugam was an exclusive employee of the contractor. There was no obligation for payment of compensation to him by the V.I.S.L. Ex. W 42 is a Circular issued by the mines manager that w.e.f. 1-4-83 none should enter the mine area. Ex. W 43 is a memo dated 27-3-81 and it indicates that V.I.S.L. ordered to pay advance of Rs. 75 to the each contract worker. Ex. W 44 is a memo where by advance of Rs. 100 was paid per contract worker, the documents produced by them and irrespective of the nomenclature, as contract workers, they have been working for the V.I.S.L. and V.I.S.L. has treated them as its own workmen for all purposes. On a close scrutiny of evidence on record, I find that there is no force in the contention of the management of V.I.S.L. that employer-employee relationship is lacking.

The representative for the workmen contended that U/s 4 of the Mines Act Register showing the names of all persons employed in the Mine shall have to be maintained and since the names of all these workers are to be found in such a register, they shall have to be treated as the workmen of the V.I.S.L. He further pointed out to the rules contained in Chapter VII and VIII of Mines Rules of 1955. Form B is a prescribed form in regard to the Register of Employees. Column No. 5 shows the nature of employment of 1st Party V.I.S.L. has not produced the Register of Form "B". The representative for the workmen further referred to the Metalliferous Mine Regulation of 1961. With reference to regulation No. 59 it was submitted that there is a duty cast on the mines manager to maintain Registers. Similarly the provisions of maternity benefit Act of 1961 and Form A under the said Act were pointed out. Mines Creche Rules, 1966 were also pointed out and it was argued that since all the facilities under these Acts have been provided by the V. I. S. L. they are the workmen of the V.I.S.L. It was argued for the management that in order to comply with the provisions of various enactments such facilities are provided to the contract workers and the said fact cannot be a ground to hold that they are the workmen of the V.I.S.L. For the non-production of the registers and other records under these enactments, rules and regulations an adverse inference arises against V.I.S.L. It has denied scrutiny of such records at the hands of this Tribunal to find out the truth. The case of Ramadas Oil Mills V/s. Union of India AIR 1977 SC page 638 was relied upon by the 1st Party, it supports their case and shows that an adverse inference arises against the management.

The learned representative for the 1st Party cited the case of the State of Bombay V/s. the Maharashtra Sugar Mills Limited (1951 (1) I.L.J Page 137) and contended that the interposition of a contractor makes no difference to the

relationship between the employed and the employer. The further referred to the Judgement of the Supreme Court of India confirming the judgement of the Honourable High Court of Bombay. The Judgement of Supreme Court is to be found in 1951 (II) LLJ Page 299. Indeed the Judgements are of a date prior to the coming into force of the Contract Labour (Regulation and Abolition) Act of 1970. It was not pointed out to me that as to how the provisions of the said Act can be of any advantage to the V.I.S.L. Though it has been pleaded in the counter statement filed by the V.I.S.L. that Sri Puttaiah and Sri Chennakeshava have obtained licences as labour contractors U/s 11 of the Act and that the V.I.S.L. got itself registered as an establishment Engaging Contract workers U/s 7 of the Act. The licences and the document of registration have not been produced that is more important is the fact that the provisions of the said Act had come into force w.e.f. 5-9-70 whereas the quantum of compensation paid to them itself indicates that some of them were in employment in V.I.S.L. even prior to 1970. Section 9 of the said Act deals with the effect of non registration and Section B deals with the subject as to have new licence has to be granted. It was obligatory on the part of V.I.S.L. and contractors to have produced and proved the date of registration and obtaining of licence so as to find out the exact date since which it can be said that these workers are the contract employees and again an adverse inference arise against the management and I find that it cannot therefore be held that they are the contract workers.

The learned representative of the workmen cited the case of Sri Narayana Swamy V/s Presiding Officer Labour Court Madras (1971 (1) ILJ Page 310) the authority shows that notwithstanding any notice settlement continuous to be in force until it is superseded. The mere fact that the management has issued a notice to terminate the compromise of the above said reference is thus of no avail.

The learned representative of the workmen contended that mere contract between the Employer and contractor is not decisive and other material has to be taken into consideration in deciding the real dispute. This refer to the case of Hussain Shai Calicut V/s. Alash Factory Thozhllali Union, Calicut and others (1978 (II) LLJ Page 397) the authority indicates that, the existence of an intermediate contract is of no consequence and that the Court should find out the truth and arrived at a conclusion whether there exist employer and employee relationship or not. I find that the authority supports the case of 1st Party.

It was argued for the 1st Party that nomenclature is immaterial and the Court should find out whether there exist master and servant relationship. He referred to the case of M/s. Sathish Plastics V/s. R.P.F. Commissioner [1981 (II) LLJ Page 277]. Though the authority deals with the definition of Employee as defined in Section 2 of the Employee Provident Fund Act. I find that it is none the less important in showing that in private employment there is no legal bar to have different arrangements.

The learned representative for the workmen referred to the case of State of Gujarat and another Vs. M/s. Sarabhai Sheth and Company [1984 (II) LLJ Page 334]. The authority is not pertinent.

On the other hand the learned Counsel for the management placed reliance on the authority of Vagoils Private Limited Vs. The Workmen (1972 Lab IC Page 760 V5 C 141). The authority is on the point that object of the contract Labour Act is to regulate and improve the conditions of service of Contract Labour and not merely to abolish contract labour even if it is supposed that the V.I.S.L. had provided certain ammunities to the workers in order to comply with the various provisions of different enactments, there is no evidence to show that only after the Contract Labour Act came into force. These workers were employed by Independent Contractors and such Contractor brought them to the Mines and made them to work as their workers. In the absence of such evidence the authority cannot be of any help to the management.

The Learned Counsel for the Management then referred to the case of F.C.I. V/s. M/s. F.C.I. (1985 (II) LLJ Page 4). The authority is relied upon to urge the point that the definition of workmen means relationship of command and obedience on going through the oral and documentary evidence produced before me I find that it is difficult to hold that there was relationship of command and obedience only between Sri Puttaiah and Sri Chennakeshava. On the other hand the workers and that there was absolutely no such relationship between the V.I.S.L. and the workmen.

The Learned representative for the workmen cited the Case of F.C.I. loading and un-loading workers V/s. FCI (ILR 1986 Karnataka Page 2579) the authority is on the point that, in the absence of a Certificate of Registration of Employment the workmen can claim against the principal Employer. The authority was also relied upon for the purpose of Section 25P and 25N of the I.D. Act. Mere assertion in the pleading that the V.I.S.L. is a registered establishment and the contractors are the Licenced Contractors is of no consequence, in the absence of registration Certificate and Licence. The Principle enunciated in the authority are therefore attracted to show that these persons had even otherwise become the workmen of V.I.S.L.

AND POINT OF REFERENCE

ADDITIONAL ISSUE NO. 2 AND 3

The Learned Counsel for the V.I.S.L. contended that the management was compelled to shut down the ferro-silicon unit and that there was huge piling of Quartz stock and that there was financial difficulties and these factors made inevitable to close the mine for some period w.e.f. 1-4-1983. The Management of the V.I.S.L. has not come up with a case that these workmen were their workers and that because of such genuine cause they had to close the Mining Operation and thereby retrenched them. The workmen were not notified on all these facts. They were given to understand that the contracts given to Sri Puttaiah and Sri Chennakeshava were to expire on 31-3-1983 and since they were not going to be renewed and it was not possible to continue their service w.e.f. 1-4-1983. EXW 35 is the notice given by the contractor states that Sri Puttaiah was giving one month notice so that the workers may seek alternative employment from 1-4-1983. Neither in EXM 14-M 15 nor in EXM 35 there is any thing to indicate that on account of closure the workmen were called upon to accept retrenchment. It is not the case of the V.I.S.L. that these contractors had paid any retrenchment compensation followed by publication of seniority list. The notices at EXM 14 and M 15 are of no consequences and do not save the V.I.S.L. since there is a finding that these persons are not workmen of the contractors but they are of V.I.S.L. The V.I.S.L. cannot dispute the fact that the provisions of Chapter V (B) of the I.D. Act, are applicable to it. When once it is held that these persons are its workmen, it is too patent that the V.I.S.L. has not complied with the provisions of Section 25 O or 25 F or 25 FFF of the I.D. Act.

The Learned Counsel for the Hind Party referred to the case of Indian General Navigation and Railway Company Vs. Their Workmen (1966 (1) LLJ, Page 735). The facts of the reported case would show that though the Ghat of Subansirimukh was maintained by the Navigation Company prior to April 1960 it did not Employ any workmen for handling Cargo and had left such work to different contractors by virtue of ascertain one settlement. EXW 6 the wages were regulated and there was an assurance of payment by the Navigation Company. It was evidenced that the contractor had Employed the workmen and not the Navigation Co., in the context of such facts the Honourable Supreme Court held that there was no relationship of Master and servant between the Navigation Company and workers. In the case at hand it is not merely the regulation and assurance of wages but there is direct command and obedience and also supervision and control of the labour force vesting in the V.I.S.L. Facts being different, I am of the view that the authority is of no assistance to the Hind Party.

The Learned representative for the Ist Party referred to Catena of cases as shown below to bring home the point that the V.I.S.L. has not complied with the provisions of Section 25 F, 25 FFF and Chapter VI B of the I.D. Act and that the workmen are entitled to re-instatement and back wages.

AUTHORITIES :

- (1) State of Bombay V/s. Hospital Mazdoor Sabha (AIR 1960 SC 610 1960 (I) LLJ Page 251).
- (2) Sahu Minerals and Properties Limited V/s. P.O. Labour Court and other (1975 (II) LLJ Page 341).
- (3) Udaipur Mineral Development, Syndicate Private Limited Bhilwara V/s. M. P. Dave and another (1975 (II) LLJ Page 499).
- (4) State Bank of India V/s. N. Sunderamoney (1976 (I) LLJ Page 478).
- (5) Rajasthan Canal Project Vijayanagar Circle through State of Rajasthan V/s. Rajasthan Canal Rastriya Mazdoor Union Surath Nagar and another (1976 (II) LLJ Page 25).
- (6) Industrials Chemical Limited Madras-2 V/s. Labour Court Madras and other (1977 (II) LLJ Page 137).
- (7) Shukla Manseta Industries Private Limited V/s. Workmen (1977 (II) LLJ Page 339).
- (8) Aron Service (Production Agencies Private Limited V/s. Industrial Tribunal, Haryana, Faridabad and other (1979 (I) LLJ Page 1).
- (9) E.S.I.C. Madras V/s. Bharath Pulvarising Private Limited (1979 (I) LLJ Page 343).
- (10) Ramani Mohan Industries Private Limited V/s. Hind Industrial Tribunal and other (1981 (I) LLJ Page 363).

(11) K.S.R.T.C. Bangalore V/s. Sheikh Abdul Khader and other and M.K.S.R.T.C. Bangalore V/s. M. Boralah and another (1984 (I) LLJ Page 110).

(12) Gamon India Limited V/s. Nirnananadass (AIR SC Page 500).

(13) Workmen of American Express International Banking Corporation V/s. Management of American Express International, Banking Corporation (AIR SC Page 459).

These authorities substantiate the claim of the workmen.

The learned Counsel for the Management referred to the case of Pottery Mazdoor Panchayath V/s. The Perfect Pottery Company Limited and another (1983 (I) LLJ Page 232). The authority is on the point that when there is closure of business no Industrial dispute can be raised, regarding its propriety and justification. It has been already observed that the V.I.S.L. has not come up with clean hands stating that these workers and their own workers and because of the said circumstances it has closed the operation of B.B. Mines in accordance with law complying with the provisions of Section 25 FFF, 25 O and 25 N of the I.D. Act. Even if it is held that it is a case of closure, the management cannot escape the consequence that the retrenchment is illegal for the reason that conditions precedent for closure have not been complied with.

Looking from any angle I find that the retrenchment is illegal and that the workmen are entitled to re-instatement and full back wages and consequential benefits.

Award passed accordingly.

B. N. LALGE, Presiding Officer

[No. L-26011/7/83-D.III(B)]

V. K. SHARMA, Desk Officer

